By Mr. HILL of Connecticut: Resolution of the State and county officers of the Ancient Order of Hibernians of Connecticut, in favor of the erection of a monument to the memory of Commodore John Barry—to the Committee on the Library.

By Mr. HINSHAW: Petition of citizens of Nebraska, in favor of Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of the postmaster of Geneva, Nebr., relative to clerk hire in third-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. HITT: Resolutions of Robert Hale Post, No. 556, of Fulton, Ill., and Rochelle Post, No. 546, of Rochelle, Ill., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LACEY: Resolution of Tom Connor Post, No. 399, Grand Army of the Republic, Department of Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: Resolution of Joseph E. Colby Post, Grand Army of the Republic, Department of Maine, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MAHON: Resolutions of Colonel Peter B. Housum Post, No. 309; Captain John E. Walker Post, No. 287, and John C. Arnold Post, No. 407, Department of Pennsylvania, Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. MARSHALL: Petition of G. B. Smith and 18 others, of Cogswell, N. Dak., and F. R. Shaw and 37 others, of Pembina, N. Dak., in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. MIERS of Indiana: Petition of citizens of Monroe City, Ind., protesting against a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. PRINCE: Resolutions of John Wood Post, No. 96, of Quincy, Ill., and Joseph P. Jasley Post, No. 542, of Camp Point, Ill., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. RAINEY: Resolutions of W. W. H. Lawton Post, No. 438, of Griggsville, Ill.; Dick Gilmer Post, No. 515, of Pittsfield, Ill., and J. Q. A. Jones Post, No. 526, of Havana, Ill., Grand Army of the Republic., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Resolution of H. M. Warren Post, No. 12, Grand Army of the Republic, of Wakefield, Mass., in favor of a service-pension bill—to the Commitee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of S. Bash & Co., of Fort Wayne, Ind., in favor of bill H. R. 6273, to define the duties of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Papers to accompany bill H. R. 8078, to pension William J. Mosier—to the Committee on Invalid Pensions.

Also, petition of Cigar Makers' Union No. 2, of Buffalo, N. Y., favoring passage of bill H. R. 6—to the Committee on Ways and Means.

Also, petition of Greater New York District Council, United Brotherhood of Carpenters and Joiners of America, against employment of enlisted men as carpenters—to the Committee on Military Affairs.

By Mr. SHERMAN: Resolution of Little Falls (N. Y.) State Grange, relative to legislation for good roads—to the Committee on Agriculture.

By Mr. SHOBER: Resolutions of William G. Mitchell Post, No. 559, Grand Army of the Republic, Department of New York, and General W. S. Hancock Regiment, No. 15, Union Veterans' Union, Department of New York and New Jersey, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: Resolution of the Board of Trade of Fernandina, Fla., relative to the treaty between the United States and the Republic of Panama—to the Committee on Foreign Affairs.

By Mr. SPERRY: Resolution of the Ancient Order of Hibernians of Connecticut, favoring the erection of a monument to the memory of John Barry—to the Committee on the Library.

By Mr. STEPHENS of Texas: Petition of Rev. J. H. Gambrell and others, of Tyler, Tex., in favor of the passage of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. SULZER: Petition of vessel owners, fishermen, and others, relative to paying bounty on dogfish to insure their extermination—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Greater New York District Council, United Brotherhood of Carpenters and Joiners of America, against employment of enlisted men as carpenters—to the Committee on Military Affairs.

By Mr. VAN VOORHIS: Papers to accompany bill granting an increase of pension to Alfred S. Wood—to the Committee on Invalid Pensions.

By Mr. WANGER: Resolutions of Lieutenant John W. Fisher Post, No. 101; T. H. Wynkoop Post, No. 427, and George Smith Post, No. 79, Grand Army of the Republic, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, petition of Joseph T. Fitzpatrick, of Norristown, Pa., for the erection of a monument to Commodore John Barry—to the Committee on the Library.

By Mr. WARNOCK: Resolution of Boggs Post, No. 518, Grand Army of the Republic, of Huntsville, Ohio, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. WEEMS: Papers to accompany House bill granting an increase of pension to Mathew S. Priest—to the Committee on Invalid Pensions.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 30, 1904.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

URGENT DEFICIENCY BILL.

On motion of Mr. HEMENWAY, the House resolved itself into Committee of the Whole on the state of the Union (Mr. TAWNEY in the chair) and resumed the consideration of the bill (H. R. 10954) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1904, and for prior years, and for other purposes.

Mr. FULLER. Mr. Chairman, I listened with a great deal of interest yesterday to the learned and able discussion by the gentleman from Maine [Mr. LITTLEFIELD] on the point of order now before the committee. I recognize the fact that he is a great lawyer and that his opinion is entitled to much weight with this committee. But I must differ with him in the conclusion he reaches upon the point before the committee. I agree with him fully as to his first statement, that the only question that can be raised upon this point of order or before this committee is whether or not this is the second session of the Fifty-eighth Congress or whether we are now in the first session, because that session was as much a regular session as any session of Congress that could be held.

If we are now in the second or so-called "regular" session of the Fifty-eighth Congress, then I agree with him that there can be no question that it was the duty of the Committee on Appropriations to include in the bill reported by that committee this appropriation for the mileage of Members at this session.

But I differ with him on the other proposition, that we are now in the first session of the Fifty-eighth Congress. My opinion is that that session, called by the President, upon an extraordinary occasion, came to an end at the hour of 12 o'clock noon on the 7th day of December, when we were, under the Constitution, and have ever since been in another, the regular or second session of the Fifty-eighth Congress.

This so-called "regular" session is provided for by the Constitution of the United States, which declares that the Congress shall meet on the first Monday in December. We did meet upon that day in the regular or constitutional session; and no matter how the extraordinary session ended, it had come to an end; and that is not a matter of argument simply, but it is a matter of judicial decision, I think, in every State of this Union.

I will cite an illustration which seems to me to be absolutely conclusive upon that question. Every lawyer in this House knows, as to the proceedings of courts, that there may be a special session of court, for instance, or it may be a regular session of court, and that session may run up to the very moment when another session of that court, provided for by law, must be held.

Would the gentleman say that processes returnable to the regular term of court could be held to be void because there was no such term; and when the time came would not that court be in session for the regular term as provided by law? Would not jurors be compelled to appear there at and for that regular term as summoned; and would not all the proceedings of that term of court be as of the regular term of court sitting for that time? And would not the first term have lapsed by operation of law?

That, I think, is so held everywhere. In all of the great cities one term of court runs right up to the very time when another term of court, provided for by law, is to commence. And when that term arrives—the January term, for instance—from that moment the court is in session as of the January term, and all the rules of the court apply as of that term. Jurors come there to that term. Suppose, for instance, that one man, or more than one, had been upon the jury of the term before and was also summoned to appear there as of that term. He would be bound again to appear at the January term, for instance, commencing upon the day fixed by law. He would be entitled to his mileage for

that term, and the whole proceedings, from the time that the regular term must convene under the law, would be as of that term. There would be two separate and distinct terms of court. The term which lapsed by law would be the first and not the subsequent term.

So with legislative bodies. It matters not how a former session may have come to an end. I contend that, so far as this House at least was concerned, the extraordinary session came to an end when we adjourned on Saturday, the 5th day of December, without day; and when we met here on Monday, the 7th day of December, we met in the regular or constitutional session of Congress, provided for by the Constitution of the United States, and from that day and from that hour all proceedings of this Congress have been as of the second session of the Fifty-eighth Congress, the regular session provided for by the Constitution.

Suppose, for instance, that under the power granted to the President of the United States, upon a disagreement between the two Houses as to the adjournment of that session, he had adjourned Congress until the 15th day of December, as he might have done, and suppose that Congress then came together here, as we were bound to do under the Constitution, on the 7th day of December at noon. What session of this Congress would it have been? Manifestly the regular or constitutional session, as distinguished from the extraordinary session, which had adjourned to a time beyond the constitutional date for the convening of the regular session.

As a legal proposition, and without interest or feeling in the matter in any other way, I contend that there can be no doubt, upon the argument made by the gentleman from Maine himself, that we are now in the second session of the Fifty-eighth Congress, and the Committee on Appropriations had no discretion but to provide for this appropriation. [Loud applause.]

Mr. PARKER. Mr. Chairman, this is a question which is addressed to the legal conscience of the Chairman of this committee and of each one of its members. It is to be governed by law. The law is to be expounded by common sense, by its reason, and its purpose, and, expounding that law in that way, I believe that there has been but one session of this Congress and that this appropriation is not authorized by law.

The law, in addition to $5,000 a year, gives to each Member mileage coming to and returning from each regular session. I find no difficulty in the word "regular." It is not confined, in my judgment, to the annual session. "Regular" means governed by rules; and whether we come here on the call of the President or by reason of the annual meeting, we come here in pursuance of the rules of the Constitution, and therefore the session is regular. It is easy, however, to see why that word was placed in the statute. Congress itself, without the consent of the President, by concurrent resolution, can adjourn now for one month and go home. It would not be a regular session when we came back again; it would be an adjourned session, taking its force not from the rules established by the Constitution, which make it regular and force attendance, but from the action of the House, which can by no means confer upon itself mileage.

I therefore dismiss, so far as my mind is concerned, the suggestion that there can be no mileage for a session called upon an extraordinary occasion. But——

Mr. GILLETT of Massachusetts. Will the gentleman allow a question there?

Mr. PARKER. Yes.

Mr. GILLETT of Massachusetts. Has the gentleman examined the history of this statute at all?

Mr. PARKER. No, sir.

Mr. GILLETT of Massachusetts. I think if the gentleman would he would find—I looked at it this morning—that in 1852 the word "regular" was used, and it was used in contradistinction to the word "extra." It said:

No mileage shall be allowed for an extra session.

And then used the word "regular," thus showing that when it began the word "regular" was used in contradistinction to the word "extra."

Mr. PARKER. It seems to me, however, and I submit to the gentleman that when they left out the provision in the new statute that no mileage should be allowed for an extra session they meant to avoid that construction and meant to allow mileage for any session which we were forced to attend, because mileage is for compulsory attendance and for nothing else.

Now, in common sense, however, and in a common-sense construction of the statute, we have been in continuous session since the 9th day of November.

Mr. THAYER. Mr. Chairman—

The CHAIRMAN. Does the gentleman from New Jersey yield to the gentleman from Massachusetts?

Mr. PARKER. For a question, yes, with pleasure.

Mr. THAYER. I would like to ask the gentleman from New Jersey how he explains this position on the theory that we are now in continuous session? The first article of the Constitution, section 4, in the last clause, provides:

The Congress shall assemble at least once every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Does that give any authority to the President of the United States, or place any authority anywhere, to say that we shall be relieved from gathering here on the first Monday in December, unless we appoint another day? And if so, are we not now in the session provided for by the Constitution?

Mr. PARKER. The gentleman is simply anticipating what I am coming to. There is no difficulty whatever upon that score in my mind, and if the gentleman will listen to the end of what I have to say, if I have not answered, I will then answer.

We met in a regular session, although upon an extraordinary occasion, on the 9th day of November. We assembled, and there was a meeting of Congress. From day to day, by ordinary adjournment of not exceeding three days, we assembled and met until the 7th day of December, and the 8th day of December, and until the present time.

Mr. THAYER again rose.

Mr. PARKER. Will the gentleman pardon me? I do not wish to be interrupted in the middle of my statement. I thought the gentleman understood my position, that I wished him to wait until I finish what I have to say. I would like to answer him then.

The CHAIRMAN. The gentleman from New Jersey declines to yield.

Mr. PARKER. We assembled and met from day to day. On the Saturday previous we adjourned to assemble and meet upon the 7th day of December. We met on the morning of the 7th day of December. When we assembled and met on that 7th day of December we did it in pursuance of that adjournment. We did it also in pursuance of a duty imposed by the Constitution to meet on that day. The fact that we had a new sanction for meeting upon that day did not destroy the fact that we had adjourned to that day and continued our session. We had performed our duty by the adjournment to that day. The sanction of the Constitution confirms our action. That adjournment was in accordance with the statute that we should assemble and meet upon that day, and that continuance was that to which we were bound by law.

Mr. LIVINGSTON. I want to ask the gentleman to explain this action on the part of the House: When we met on the first Monday in December we notified the Senate that we were now organized and ready for business; we notified the President that we were now organized and ready for business. If that was a continuous session, why did we do that?

Mr. PARKER. I understand the gentleman's question, and I can give him an answer that is perfectly complete. We did it to take every precaution. We could not adjourn the session that existed, except by the joint, concurrent action of both Houses. It could not be adjourned without day.

Mr. SMITH of Kentucky rose.

Mr. PARKER. I ask the gentleman to please wait until I am done. I have asked not to be interrupted. I told one gentleman I wished him to wait, and I shall have to ask the gentleman from Kentucky to wait.

The CHAIRMAN. The gentleman declines to yield.

Mr. PARKER. I say we adjourned by the simple action of this House. The Senate adjourned at the same time. There was no concurrent resolution by both Houses such as would have made an adjournment of Congress without day. It was simply the adjournment of each House to that day on which they had to assemble and meet, and in which they did assemble and meet, with two sanctions for such an assemblage—one the adjournment, the other the order of the Constitution that we should meet on that day—two sanctions which were not inconsistent the one with the other.

The Constitution simply confirmed the action that we had taken. Now, I will go one step further. It is not merely a question of money or of mileage. I know nothing about existing conditions, but I will say, as a matter of principle, that the Constitution orders that all appointments to office made by the President, when Congress is not in session—and in this great Government there are many—shall remain until the adjournment of the Senate. It was intended that that body should have full time and that in its discretion it should take such time as it thought necessary for the consideration of such nominations. It would be a very bad construction of the Constitution, so far as results are concerned, if by a mere technicality of law, after less than one month, the Senate is to be held adjourned against its will as the clock struck 12, making it impossible for nominations to be sent in during any vacation except by a rush, and making it necessary to renominate, instead of going on with deliberation on the nomi-

nations already in their hands until concluded. I submit that the fact that they met on the next day or on the same day, by warrant of a new sanction in pursuance of a new duty, did not vacate the fact that they met in pursuance of the adjournment. I will go one step further and am ready to contend, though without so much certainty——

Mr. GAINES of West Virginia. Will the gentleman yield to me for one moment?

Mr. PARKER. Not now. I am ready to contend, though without so much certainty in that connection, that when the law spoke of the session it meant a session in fact; it means a sitting; it means a continuous sitting; it does not involve the question whether it is authorized in one way or in another; it means such a sitting as forces a man to come from his home and forces him to stay here until he goes back again. I submit that to allow mileage for the time that the clock was striking 12, to go 3,000 miles to the other side of the continent and to come back, was not intended by the law, which spoke of the reality of a regular session or sitting and not of a fictitious interval between two sessions or sittings, and that the law therefore must be construed by its purpose, which was to provide for possible travel, the movement of a man with his family and belongings during a real vacation of Congress, and not a fictitious move during the time of that adjournment. We have talked of horses and carriages for official use, Mr. Chairman. I submit that no ruling should be made which will allow a mileage for fictitious travel, for it is only a fiction if it be done.

It is brought before us that at one time in our history there was a concurrent resolution for adjournment without day for only a few minutes. The gentleman from Maine, who has been over the records, may be able to tell me whether mileage was allowed for the hours of the adjournment at that time; but whether there was or no, that adjournment at that time, as everyone in the House knows and as stated in the debate, was taken under circumstances of great public urgency, where the Senate and the House were not in agreement with the President, and where it was feared that something wrong might happen during the time of the adjournment. That is not the sort of precedent that should govern. The precedents that should govern this House are the precedents of which there are so many, absolutely uncontradicted—precedents following what I consider to be the absolute governing law.

Now, Mr. Chairman, I appeal to the gentlemen of the committee to pardon anything that I have said that seems too earnest. Each man's conscience, each man's opinion, is his own, and he has a right to it. I am only urging considerations which have governed me and have led me, with great reluctance, fearing that I might say something that might offend the honest judgment of my fellows, to believe that this point of order is well taken; and now, Mr. Chairman, I am ready to answer any questions that gentlemen may desire to ask of me.

Mr. PAYNE. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. PARKER. I will answer the gentleman from New York.

Mr. PAYNE. In view of the fact that the President of the Senate adjourned the Senate at 12 o'clock on the 7th day of December, with the remark that the special or extraordinary or called session, whatever it may be designated, had expired, because Congress now assembled under the clause of the Constitution requiring it to assemble on Monday; and in view of the fact that both Houses had a regular call of the Members of the respective Houses, in this House by States and a roll call in the Senate, to ascertain if a quorum was present, and the fact that the present presiding officers of each House, and especially this House, because we are more concerned in this House than the other, declared that a quorum had assembled; and in view still further of the fact that the House adopted a resolution notifying the Senate that a quorum of the House had appeared, and also appointed a committee to join a committee from the Senate to inform the President of the United States that the two Houses had assembled and a quorum was present, and asking if he had any communication to make, and receiving the message; and in view of the fact that the Journal of the House, the files of the House, have recognized every day since the 7th of December that this was the second session of the Fifty-eighth Congress, is it not rather late now to ask the Chairman of the Committee of the Whole House to rule that the House in its determination has been all wrong since the 7th day of December, and that now we must go back and hold that this is the called session and not the constitutionally provided date session of the Fifty-eighth Congress?

Mr. PARKER. Mr. Chairman, I find no difficulty in the question propounded. The statement of the President of the Senate was a statement of his individual opinion at that time, and it binds neither the Senate nor ourselves. I know from the debates since then, and especially from a careful argument upon another subject by the Senator from Maine, that many other Senators do not agree with him in that construction.

The other matters mentioned—the calling of the roll, the sending to the President, the keeping of the Journals of the House—are all matters which may very well be done every day. There are many legislative bodies in which the roll is called every day, and when we have much business here we have it called a good deal. The roll was called on the day upon which we had to be here, and upon which it was essential that we should be here, and was proper in order to show that a quorum was present, because on that day we began to act under a second sanction and under a second duty, as well as by the duty imposed upon us by the adjournment of the previous session. The message to the President was to show that that duty had been especially performed on that particular day, but it was no less a continuance of the previous session that assembled and met on that day.

Mr. PAYNE. It signified nothing that we notified the President that the two Houses had assembled on that day?

Mr. PARKER. It signified this: That we notified him that we had assembled, according to our duty under the law, and it was also an assembling made necessary by the adjournment on the previous day.

Mr. PAYNE. How about the Journal, which says this is the second session?

Mr. PARKER. The Journal of this House does not have the force of a concurrent resolution, and the statement as to whether this is the first or second session is one of those things which is simply a matter of formality.

Mr. PAYNE. Is it not the only evidence that the court looks at to see what the action of the House was?

Mr. PARKER. Yes; but it is merely a designation.

Mr. OLMSTED. Will the gentleman from New Jersey yield to me?

Mr. PARKER. Certainly.

Mr. OLMSTED. I would like to ask the gentleman from New Jersey if it is not the fact, as he understands it, that when Congress is in session, regular or extraordinary session, either House may, under the Constitution, without the consent of the other, adjourn for a period not exceeding three days?

Mr. PARKER. Yes.

Mr. OLMSTED. Would you say that this House on the 5th of December could have lawfully adjourned until the 8th of December, notwithstanding the constitutional mandate that Congress should assemble on the 7th of December, which was the first Monday?

Mr. PARKER. No; we could not adjourn to the 8th of December, because we were ordered to assemble on the 7th. I said that we had a double sanction for assembling—one the adjournment, and the other by the Constitution. We assembled to meet on that day as we did on all previous days, but with a new sanction, and, as matter of fact, the session was continuous.

Mr. THAYER. Mr. Chairman, will the gentleman yield?

Mr. PARKER. I will.

Mr. THAYER. I want to ask a question, but perhaps in this conversation that has taken place on the other side the point may have been brought out. I want to set the gentleman right when he said that we had adjourned from time to time until 12 o'clock, December 7, the extraordinary session. The record of this House shows that on December 5 the Speaker declared this House adjourned—not until 12 o'clock on Monday, not sine die, not to any time or any particular time, but he declared it adjourned, and there is no record that it ever reconvened. The record of the Senate shows that upon December 7 they adjourned sine die before they commenced the regular session, which began on the 7th of December.

I merely wanted to set him right on that, and then, if he has time, I would like to go back and ask him the question I first asked relative to the Constitution in this matter, a subject upon which, if he spoke, I did not hear one word.

Mr. LITTLEFIELD. The RECORD shows the same thing in reference to every day.

Mr. PARKER. I am told that the RECORD shows the same thing with reference to adjournment on every day; but I want to say that we know perfectly well ourselves that the session of December 5 was continued to the 7th of December.

Mr. THAYER. I want to ask the gentleman if, so far as was in the power of this House, on Saturday, December 5, we did not adjourn and never reconvene?

Mr. PARKER. We adjourned, as we did on every Saturday, which carries us over to the next Monday at 12 o'clock.

Mr. SMITH of Kentucky. Mr. Chairman, the question that I desire to ask has been substantially asked by some other gentlemen. Now, I agree with the gentleman from New Jersey [Mr.

PARKER] that by the terms of the Constitution Congress was required to convene at 12 o'clock on Monday, December 7. My question is this: Was not our adjournment on the previous Saturday, the 5th of December, to an impossible time? And is not an adjournment to an impossible time tantamount to an adjournment sine die? For instance, if we should adjourn——

Mr. PARKER. One moment. We adjourned to a possible date, a legal date, and a necessary date, namely, December 7.

Mr. SMITH of Kentucky. No, sir. The proposition I make is this, that the Constitution fixed Monday, December 7, as the time when a session of Congress should begin.

Mr. PARKER. No.

Mr. SMITH of Kentucky. It does not?

Mr. PARKER. No; it says we shall assemble and meet on that day, and we adjourned so as to assemble and meet on that day; but it does not say we shall begin on that day.

Mr. SMITH of Kentucky. That is the difference between "tweedledum and tweedledee." The proposition may be illustrated more clearly in this statement: Suppose that on the 2d day of March, before the expiration of our term, the Congress should undertake to adjourn to the 5th of March. Would not that operate as an adjournment sine die.

Mr. PARKER. We can not make an adjournment sine die without the concurrent action of the Senate.

Mr. SMITH of Kentucky. If the House were to adjourn under its power to adjourn three days at a time on the 2d day of March to the 5th of March, would not that then operate as a sine die adjournment of the House?

Mr. PARKER. We would have no power to meet on the 5th of March, after our term of office should expire, and therefore it would be sine die.

Mr. SMITH of Kentucky. That is the point I make.

Mr. PARKER. We would have power to meet on the 7th day of December, as we did, and when we adjourned to that time we simply fulfilled our duty under the law to meet on that day, and the adjournment was valid, because it was in pursuance of law.

Mr. COOPER of Wisconsin. Mr. Chairman, as has been many times said during this debate, the only question involved here is as to the proper construction to be put upon these two provisions of the Constitution, one regulating the convening of an extraordinary or special session of Congress and the other providing for the annual or regular session of Congress to meet on the first Monday in December. As to the taking of the mileage, that is a question for each man to answer for himself. I have not been at my home since the convening of the special session, and I have therefore made up my mind what to do if the mileage is voted.

Mr. GROSVENOR. Does the gentleman from Wisconsin [Mr. COOPER] understand that under the statute this sum of money called "mileage" has anything to do with the traveling of the member? Or is it a part of the compensation added to the $5,000 a year?

Mr. COOPER of Wisconsin. I presume that may be so.

Mr. GROSVENOR. Will the gentleman just permit me to read the words of the statute of 1866, section 17:

And be it further enacted, That the compensation of each Senator, Representative, and Delegate in Congress shall be $5,000 per annum, to be computed from the date of the present Congress, and in addition thereto, mileage at the rate of 20 cents per mile, etc.

Mr. COOPER of Wisconsin. Mr. Chairman, I desire briefly to refer to the argument made by the distinguished gentleman and lawyer from Maine [Mr. LITTLEFIELD], in which he said that the Constitution does not provide for an extraordinary session of Congress, nor for a regular session, and that there is no distinction between sessions; that they are all alike. Mr. Chairman, I beg to differ with the gentleman from Maine on that proposition. The word "extraordinary" is used in the Constitution in this connection:

He (the President) may on extraordinary occasions convene both Houses or either of them.

If the President "on an extraordinary occasion" convenes both Houses, it is an extraordinary session of Congress.

In Webster's Unabridged Dictionary he defines the word "extraordinary" as "not usual, not regular." An extraordinary session is therefore a session which is not a regular session. And would it not be a most remarkable thing, Mr. Chairman, if Alexander Hamilton and James Madison and Benjamin Franklin and George Washington and their compatriots had assembled at Philadelphia in that wonderful Constitutional Convention and forgot to provide for a regular session of Congress? If they had not provided in the Constitution for a regular session of Congress, then all would have been left to the discretion of the President, and should he chance to be a man of the ideas and of the disposition of Charles I, Congress would not assemble during his term of office. Not to have provided in the Constitution for a regular session of Congress would have been to open the way to tyranny in the United States. Did that Constitutional Convention then fail to make provision for a regular session of Congress? No language could be plainer than this phraseology in the Constitution:

Congress shall assemble at least once in every year—

That is, Congress shall assemble at least annually—

and such meeting—

That is, such annual meeting—

shall be on the first Monday in December, unless they—

Congress—

shall by law appoint a different day.

The language is mandatory. The meeting must be on the first Monday in December, and the first Monday in December comes as regularly as the world revolves around the sun or turns upon its axis.

Under the Constitution, as regularly as comes the first Monday in December, Congress must assemble, unless a different day is appointed by law.

The gentleman from Pennsylvania [Mr. OLMSTED] hit the point in this case. I had intended to present and to elaborate it before he put the question to the gentleman from New Jersey [Mr. PARKER]. I will put it in a little different form: On Saturday (the 5th day of December) preceding the first Monday (the 7th day of that month) could the House and the Senate by concurrent resolution have adjourned over the holidays, as they subsequently did during the regular session? Clearly, no; because such an adjournment would have been in direct disregard of this mandatory requirement of the Constitution that Congress "shall assemble on the first Monday in December" in every year, unless Congress itself has enacted a law appointing a different day, and there is no such law.

Such a law might have been either a statute, or a joint resolution signed by the President; but on Saturday, the 5th day of last December, Congress was still in the special session, called by proclamation of the President. This special session had begun on the 9th day of November. Having met on the 9th day of November, we were in special session until the special session ended; and it ended when the mandate of the Constitution that we shall meet in regular annual session on the first Monday of December took effect.

The argument of the gentleman from New Jersey that we met on the first Monday of December with two sanctions—that is, with the sanction of the Constitution and the sanction of the resolution of adjournment on the preceding Saturday—seems to me, with all respect to him, and he is a distinguished lawyer, to be of very little weight. How could a mere concurrent resolution, if one were passed, effect in any way whatever this absolute command of the Constitution of the United States? Does anybody pretend to say that a mere concurrent resolution of Congress adds sanction to a mandate of the Constitution? Not at all. It might just as well not have been passed; nor should it weigh an iota in determining the duty of Congress. We met on the first Monday of last December in obedience to a requirement of the Constitution of the United States, not in obedience to a resolution of adjournment.

It is said that there has never been a precedent against the contention of the distinguished gentleman from Maine [Mr. LITTLEFIELD], and that early Congresses went directly from a special session into a regular session and treated it as one session.

Mr. MARTIN. Mr. Chairman——

Mr. COOPER of Wisconsin. Just one moment. But later he did cite a precedent in which Senator George F. Edmunds, one of the greatest of our constitutional lawyers, introduced in the Senate a resolution declaring that a special session ended by operation of law when the regular session began. The gentleman from Maine [Mr. LITTLEFIELD] acknowledged that that resolution, which, he said, was purely academic, inasmuch as it was passed without any discussion, was directly opposed to his contention. He therefore thought it of little importance. But the fact that Senator Edmunds introduced that resolution and that it received the unanimous vote of the Senate are facts entitled to great weight in this discussion.

But, Mr. Chairman, if it were true that there is no precedent contrary to the gentleman's contention, that, in and of itself, would not be conclusive. Congress had uniformly held that a quorum, as defined by the Constitution, meant a voting quorum and not a present quorum in this House. For generations Congress had clung to that absurd doctrine. Suddenly, in the twinkling of an eye, it was overthrown in this Chamber, and this destruction of that time-honored precedent has been given the sanction of law by the Supreme Court of the United States. A bad precedent does not make good law.

There is a constitutional provision for an extraordinary, as there is also one for a regular session of Congress. If there were no constitutional provision for a regular session, we should be at the mercy of the President of the United States, as the people of

England were at the mercy of the Stuarts when they refused to assemble the British Parliament. And I am unwilling to believe that the great statesmen in that Convention, presided over by the grandest of all men, George Washington, forgot so vitally important a duty as the appointing of a date for the regular meeting of Congress.

Mr. MARTIN. Will the gentleman yield for a question? The gentleman has, I think, very clearly demonstrated that a regular session of Congress convenes on the first Monday of each December by operation of law. I should like to ask if it does not follow necessarily and logically that if a regular session convenes by operation of law, defined in the Constitution, at a particular time, that any other session in force theretofore must conclude by operation of law at the same instant?

Mr. COOPER of Wisconsin. I do not think that there can be any question about it. The answer, in my judgment, is yes.

Mr. LITTLEFIELD rose.

The CHAIRMAN. The Chair is ready to rule, but the Chair will hear the gentleman from Maine.

Mr. LITTLEFIELD. I do not rise, Mr. Chairman, for the purpose of continuing the discussion, but I will say just a word with reference to the suggestion made by the distinguished gentleman from Illinois [Mr. FULLER], who relies, with a great deal of force and ingenuity of argument, upon the analogy between a session of court and a session of Congress. I would concede that if the analogy is sound, his argument is entitled to great weight and might, perhaps, be conclusive; but I wish to submit that the analogy fails, because to a session of court, among other things, process is returnable; motions are to be made within a certain time and pleas in abatement are to be filed. The court has no power to change the day fixed for its meeting. None of these things are true of Congress. No process is returnable to a session of Congress. Nothing is to be done by virtue of the law or the Constitution on the specific day of meeting, or within a particular time from that day; therefore the elements involved in a session of court are entirely absent in connection with a session of Congress, and the analogy is not complete.

I wish to say just a word with reference to the suggestion very pertinently and forcefully made last evening by the distinguished gentleman from New Jersey [Mr. MCDERMOTT], and that is with reference to the question as to whether the clause providing that the President may adjourn Congress from time to time is limited in its operations to a special or extraordinary or Presidential session, so called. If so limited, beyond any question it would create a constitutional distinction between the two sessions, which undoubtedly would settle the question pending.

Since the adjournment last evening I have taken occasion to examine Madison's Journal of the Constitutional Convention, and the Federalist, upon that precise point, for the purpose of ascertaining what light, if any, might be derived from that source, and I should be glad to give the committee the benefit of the investigation.

I find in the report of the committee on detail, made on August 6, 1787, that the clause in question appears in Article X, section 2, which reads as follows:

SEC. 2. He shall from time to time give information to the Legislature of the state of the Union. He may recommend to their consideration such measures as he shall judge necessary and expedient. He may convene them on extraordinary occasions. In case of disagreement between the two Houses with regard to the time of adjournment he may adjourn them to such time as he thinks proper. He shall take care that the laws of the United States be duly and faithfully executed. He shall commission all the officers of the United States, and shall appoint officers in all cases not otherwise provided for by this Constitution. He shall receive ambassadors, and may correspond with the supreme executives of the several States. He shall have power to grant reprieves and pardons, but his pardons shall not be pleadable in bar of an impeachment. He shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States.

He shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during his continuance in office. Before he shall enter on the duties of his Department he shall take the following oath of affirmation: "I, ——, solemnly swear (or affirm) that I will faithfully execute the office of President of the United States of America." He shall be removed from his office on impeachment by the House of Representatives, and conviction in the Supreme Court of treason, bribery, or corruption. In case of his removal, as aforesaid, death, resignation, or disability to discharge the powers and duties of his office, the President of the Senate shall exercise those powers and duties until another President of the United States be chosen, or until the disability of the President be removed. (Journal of Constitutional Convention (Madison). Scott, Foresman & Co. Ed., vol. II, p. 457.)

This is the first time the clause appears in the proceedings of the Convention. It appears in a section defining the powers and duties of the President with the clause authorizing the convening of Congress in an extraordinary session, where they would naturally be expected to appear. It will be observed that the two propositions are found in separate and distinct sentences. One sentence reads:

He may convene them on extraordinary occasions.

And the other—

In case of disagreement between the two Houses with regard to the time of adjournment, he may adjourn them to such time as he thinks proper.

In this section the argument of juxtaposition as a reason why the clause in question is a limitation upon the so-called "Presidential session" clearly fails.

In the report of the committee on style, which had no power to change any substantive provision of the Constitution and only had the power to perfect the language and arrangement, made on September 12, 1787, these two independent sentences are grouped together, making two clauses of one sentence in Article II, section 3 (ibid., 709), reading as follows:

He may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, etc.—

transposing the first sentence and slightly varying the second. Article X, section 2, down to and including the clause "He shall commission all officers of the United States," in the report of the committee on detail, appears in the report of the committee on style, in Article II, as section 3. The substance of the remainder of section 2, considerably transposed and with considerable change of verbiage, is found in sections 1 and 2 of Article II, in the report of the committee on style.

Under these conditions the argument of juxtaposition seems entitled to but little weight. There is nothing said, so far as I can find in the debates in the Convention, upon the construction of this clause—simply the report of the committee on detail, and later on the report of the committee on style.

In the Federalist, in No. 68, written by Mr. Alexander Hamilton, who was also a member of the committee on style, reporting the Constitution in the language in which it now stands, this clause is referred to and construed. This is the great paper in which Mr. Hamilton is defining the powers and the limitations upon the power of the President of the United States, and with reference to this specific point he says:

Fourthly. The President can only adjourn the National Legislature in the single case of disagreement about the time of the adjournment.

I ask the Chair to note this. If this clause is limited to a special session, it is a very important and significant limitation. Mr. Hamilton is undertaking to define in this paper the limitations upon the Presidential power, and he fails to cite this important and significant limitation. Therefore it is a fair inference that in his judgment—he having made the report or taken a part in the report of the committee on style, and being responsible for the language as it now stands—it was not limited in its operation to a special session, but applied generally. His first illustration of an analogous power is that "The British monarch may prorogue or even dissolve Parliament." This illustration, of course, can not be confined to special sessions, but applies to all sessions. Further, by way of illustration, he says:

The governor of New York may also prorogue the legislature of this State for a limited time; a power which, in certain situations, may be employed to very important purposes—

Applicable, apparently, to every session.

Of course it is not conclusive, but it is significant, and if the Chair please, I point to the fact that while Hamilton elaborates the proposition, he, in no sense intimates that it is confined in its application to a special session of Congress. If it is true that this clause is confined to special sessions, it is a most important limitation, and should have been emphasized rather than omitted by Hamilton. To hold that Hamilton omitted it is to impeach either his intelligence or candor, neither of which can be done successfully.

The CHAIRMAN. The Chair is ready to rule.

Mr. MCDERMOTT. Mr. Chairman, the Madison Papers, as I recollect them, are correctly stated by the gentleman from Maine. In the first draft of the Constitution the power, similar to the power of the King to prorogue Parliament, was indicated in a separate sentence. When the Constitution was adopted, the conjunction was inserted, "He might convene them on extraordinary occasions and." Now, the introduction of the conjunction, in my judgment, shows the relation between the power of proroguing and the convening of the extraordinary session.

You must also read it, it seems to me, in view of the entire text of the Constitution. It is impossible to believe that a Constitution providing that neither House can adjourn without the consent of the other for more than three days, and that provides that there shall be a division of the Government of the United States into executive, judicial, and legislative departments, and that the power of neither shall be exercised by any other, intended to convey to the President of the United States, or vest in him rather, the power given by the unwritten constitution of England to the King of Great Britain to prorogue Parliament.

That power had been exercised by the King of England to the point of revolution. The exercise of it was one of the causes of complaint that led to the Cromwellian era. Our forefathers were well acquainted with it, and they were in a remedial frame of mind, and when they inserted that conjunction they intended to limit the power of the President as to the practical dissolution, as

proroguing is and always was when exercised by the King of England, in a case where he as President called them to carry out his views on legislation, demanding an extraordinary session. I do not know that it is at all important as affecting this bill, but I look at it as raising the question whether a President in partisan affiliation and sympathy with one House of a divided Congress—divided in a partisan aspect—may prorogue Congress if they disagree.

Hence we come to the fact that there is one joint resolution, and only one, that the President of the United States can not pass upon. Every law and every joint resolution must be certified to the President and receive his action, or in case of nonaction become effective as the voice of Congress independent of his view, with one exception. We preserve the right to Congress to adjourn. The joint resolution of the House and Senate to adjourn is the only resolution that the President of the United States is not called to pass upon when passed by Congress. It seems to me, therefore, that the framers of the Constitution did not intend that the President and one House of Congress acting in sympathy could prorogue Congress as the King had been accustomed, in fear or otherwise, to prorogue Parliament. However, as to the relation of this question to this bill, I am not entirely clear that it is governing. It is an interesting point, and I shall ask the leave of the House to continue the discussion of the question in print.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to continue his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLEFIELD. Mr. Chairman, one suggestion only. I simply wish to say this——

The CHAIRMAN. The Chair desires to state to the committee that the Chair is ready to rule.

Mr. LITTLEFIELD. I would, perhaps, like to make this additional suggestion.

Mr. MCDERMOTT. I would like to call the attention of the gentleman from Maine to one thing—that occasion has arisen under this section where the President may act. The Senate adjourned without day. The Senate adjourned by the declaration of its presiding officer sine die. This House has never adjourned sine die, therefore the Senate is not in session under the extraordinary call, while, if the view of the gentleman from Maine as to the continuous session is correct, we are in session under that call, and therefore a disagreement has arisen between the House and the Senate, and the duty or power of the President to act is conferred by the Senate, and he could invoke it and prorogue us to meet some other time.

Mr. LITTLEFIELD. I do not concede the gentleman's premises. I never will concede, neither do I think any court would hold, that the President of the Senate, on his own motion without a preliminary motion adopted by the Senate, could adjourn even that body without day. He has not that power, in my judgment.

Mr. MCDERMOTT. I think the rule, Mr. Chairman, of parliamentary law is this: That when there is not dissent by a body the body assents, and that where the president or presiding officer of a body declares the body adjourned, and there is no objection, his ruling is assent by the body, and all preliminary matters of form are immaterial. If the president declares that body adjourned and there is not objection on the part of anybody and——

Mr. LITTLEFIELD. The body is not in a position to object after the drop of the gavel.

Nobody could then raise an objection as far as that is concerned. If the gentleman from New Jersey thinks that a presiding officer of a body, on his own motion, can terminate the existence of a body by declaring it adjourned sine die——

Mr. MCDERMOTT. Not at all, they may proceed to displace him and elect another officer, but if they consent to it, it is the decision not only of the Chair, but of the body, and a consent to adjourn sine die. Therefore there is a practical disagreement between the two Houses.

Mr. LITTLEFIELD. No; I do not think that amounts to a disagreement. A disagreement between the two Houses results from the action of one body sending that action down to another. Here they have had no chance to disagree.

Mr. MCDERMOTT. They have had the chance by continuing in session.

Mr. LITTLEFIELD. It has never reached us as a legislative proposition. A disagreement between the two Houses results from something we have had the opportunity to concur with or disagree to, and this proposition has never been sent down to us.

Mr. MCDERMOTT. It arises from the fact that the Senate adjourned sine die. There was no necessity to send it down to us if they did actually adjourn.

Mr. LITTLEFIELD. But the gentleman begs the question or assumes it.

Mr. MCDERMOTT. I want to call the attention of the gentleman from Maine to this fact, that there is no regular way provided in the Constitution by which the President of the United States can obtain cognizance that there is a disagreement between the Senate and the House on account of adjournment. It is a peculiar resolution, in no wise to be certified to him, and the only concurrent resolution that is not certified to him.

Now, it does seem to me that where he calls a session he may suggest the adjournment, as the King used to, and if then there is a disagreement, he may prorogue it. I think the old practice was in the minds of those who framed the Constitution. I think he may suggest the adjournment, and if the House disagrees with the Senate in following his suggestion, he may prorogue them. I know of no way in which the President of the United States can get official knowledge of the fact that there is a disagreement between the House and the Senate as to the time of adjournment, nor do I know of any way in which at a regular session any such disagreement can ever arise.

Mr. LITTLEFIELD. The suggestions of the distinguished gentleman from New Jersey are involved in the concrete proposition as to whether or not this clause to which he refers is specifically applicable and confined to a special session. I will not follow him in that discussion because, in my judgment, it is hardly worth while. I also fully appreciate the distinguished gentleman's position when he says that the report of the committee on detail left this proposition with reference to the power of the President to adjourn from time to time applicable to both sessions, but that the report of the committee on style changed it and confined the operation of that clause to the special session.

I call his attention to this fact, that, as we all know and everybody concedes, the committee on style had no power to change the substance of the Constitution; it was simply their purpose and duty to report it in better and more concrete shape, and if they produced that pronounced change, they transcended their power. That must be the obvious conclusion. Without any debate or discussion, it is a violent inference that they did so transcend it. I proceed upon the basis that the final draft of the Constitution is in entire harmony with the report of the committee on detail and was correctly construed by Hamilton, March 14, 1788, when he wrote the great paper above referred to.

The CHAIRMAN. The Chair is ready to rule on the point of order.

The question raised by the point of order made by the gentleman from Georgia [Mr. MADDOX] does not involve the question of whether or not Senators, Representatives, and Delegates attending Congress at this time should or should not receive mileage. That is a question for the Committee of the Whole to decide, and not the Chair. The question presented to the Chair is the parliamentary question of whether or not there is any existing law authorizing the payment of the mileage for which it is proposed to appropriate the amount stated in this bill.

The legislative, executive, and judicial appropriation bill passed at the last session of the Fifty-seventh Congress appropriated for the payment of mileage to Senators, Representatives, and Delegates attending the first annual session of the Fifty-eighth Congress. This appropriation, however, was not available until the day appointed by the Constitution for the assembling of this Congress at its first annual session.

The Fifty-eighth Congress was convened by proclamation of the President of the United States November 9, 1903. Soon thereafter it passed the following resolution:

Resolved, etc., That the appropriations for mileage of Senators, Members of the House of Representatives, and Delegates from the Territories made in the legislative, executive, and judicial appropriation act for the fiscal year 1904, approved February 25, 1903, be, and the same are hereby, made immediately available and authorized to be paid to Senators, Members of the House of Representatives, and Delegates from the Territories for attendance on the first session of the Fifty-eighth Congress.

By this resolution the money appropriated for the payment of mileage at the session of this Congress beginning on the first Monday of December last was paid to Senators, Representatives, and Delegates attending the session of this Congress convened by the President. By the wording of this resolution Congress declared that the session convened by the President was the first session of the Fifty-eighth Congress. It is now declared by the paragraph in this urgency deficiency appropriation bill that this is the second session of this Congress, and it is proposed to appropriate money for the payment of mileage to Senators, Representatives, and Delegates attending upon this second session.

The gentleman from Georgia makes the point of order against this paragraph, claiming there is no existing law authorizing the appropriation, and that therefore the paragraph is not in order under section 2 of Rule XXI, which is as follows:

2. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

The Chair has spent some time in endeavoring to ascertain

what, if any, law there is governing the payment of mileage. As a result of this investigation it has been ascertained that under various statutes Senators, Representatives, and Delegates attending the sessions of Congress have received mileage whether the session was convened by the President or assembled at the time fixed by the Constitution or by statute, the only exception being in the Fortieth Congress. When the act fixing the 4th of March for the assembling of Congress, in addition to the times fixed by the Constitution, was passed, by that act it was provided that Members and Senators of the previous Congress should not receive mileage for attendance upon the session beginning March 4, and for the information of the committee, and with its permission, the Chair will print, in connection with this ruling, these several statutes.

The act of 1874, repealing the increase of salaries of Members of Congress to $7,500 a year, revived the act of 1866, since which time there has been no legislation upon this subject. Therefore the act of 1866 is the law in force to-day in respect to the compensation to be paid to Senators, Representatives, and Delegates, and also the law now in force governing the question of mileage. This law reads as follows:

SEC. 17. *And be it further enacted*, That the compensation of each Senator, Representative, and Delegate in Congress shall be $5,000 per annum, to be computed from the first day of the present Congress, and in addition thereto mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session.

It will be observed that the language of this act in respect to mileage is significant, and from it there can be but one conclusion, and that is that the mileage authorized to be paid is intended as additional compensation without any particular reference to the expense incurred in traveling to and from the sessions of Congress, just as the law allows a certain per diem in addition to the salary paid to the officers and agents of the Government who are obliged to travel on the business of the Government or in the discharge of their duties. The language which follows is merely descriptive of how the mileage authorized to be paid is to be estimated. The law says it is "to be estimated by the nearest route usually traveled in going to and returning from each regular session." In the opinion of the Chair the words "regular session" do not mean alone the sessions of Congress convened under authority of the Constitution, but rather that this mileage is to be paid at any session of Congress lawfully convened, and the amount is to be estimated as stated in the act—that is, on the same basis that mileage is paid to Senators and Representatives when attending the regular or annual sessions provided for by the Constitution.

Of course no one contends that under this law Senators and Representatives and Delegates are entitled to more than one payment as mileage for attending one session of Congress. The question, therefore, of whether this paragraph is in order or whether there is any existing law authorizing the appropriation of this money turns upon the proposition of whether Congress is now in the session convened by the President of the United States or whether that session expired by operation of law and Congress is now in session under and by virtue of that provision of the Constitution which designates the first Monday in December as the day when it shall assemble in annual session.

When this Congress convened on November 9 the business of the Congress proceeded as usual, and it was in session on Saturday, December 5, 1903, the last secular day before the first Monday in December. In the House of Representatives, at the close of that day, as appears from the RECORD, the simple motion to adjourn was agreed to, and the Speaker announced, "The House stands adjourned," without adding, as usual, the day to which the "House stands adjourned." No resolution to terminate the session was proposed. In the Senate on the same day it was voted to take a recess until 11.50 a. m., Monday, December 7. On that day and hour the Senate met, and after the transaction of the usual business and the adoption of the usual vote of thanks to the presiding officer, the hour of 12 o'clock having arrived, the President pro tempore said:

Senators, the hour provided by law for the meeting of the first regular session of the Fifty-eighth Congress having arrived, I declare the extraordinary session adjourned without day.

And the President pro tempore left the chair.

Immediately thereafter the President pro tempore called the session to order for the second session of the Fifty-eighth Congress.

In the House at the same hour the Speaker called the House to order and, after prayer by the Chaplain, directed that the roll be called by States to ascertain the presence of a quorum, and business proceeded as at the beginning of a session. The usual resolution was passed, notifying the President of the United States that the second session of the Fifty-eighth Congress was assembled and that a quorum of the two Houses was present and ready to receive any message which he might deem proper to submit.

This is a complete statement, as shown by the RECORD, of what took place in the two Houses of Congress on December 5 and December 7.

On the following day the Journal of the House records the fact that on Monday, December 7, the second session of the Fifty-eighth Congress assembled. The language of the Journal is as follows:

JOURNAL OF THE HOUSE OF REPRESENTATIVES, CONGRESS OF THE UNITED STATES.

Begun and held at the Capitol, in the city of Washington, in the District of Columbia, on Monday, the 7th day of December, in the year of Our Lord 1903, being the second session of the Fifty-eighth Congress, held under the Constitution of the Government of the United States, and in the one hundred and twenty-eighth year of the independence of said States.

MONDAY, *December 7, 1903.*

On which day, being the day fixed by the Constitution of the United States for the meeting of Congress, JOSEPH G. CANNON, the Speaker (a Representative from the State of Illinois), and the following Members of the House of Representatives answered to their names.

This Journal declaring this to be the second session of the Fifty-eighth Congress was unanimously approved by the House. The Journal of the Senate reciting the same facts was likewise approved.

In the opinion of the Chair the question of whether this is a continuation of the session of Congress convened by the President or the second session convened under and by virtue of the provision of the Constitution fixing the time for the assembling of Congress is a mixed question of law and fact, and the Chair, as the presiding officer of this committee appointed by the Speaker of the House, in deciding this question is bound to take cognizance of what the House itself has done in determining whether or not this is or is not the second session of the Fifty-eighth Congress.

As a matter of law, the Chair is clearly of the opinion that the session of this Congress convened by the President of the United States terminated when the moment of time arrived for the Congress to convene in its regular annual session under the Constitution. That session of Congress there terminated by operation of law, not because there is any law fixing the limit of time that a session of Congress convened by the President should remain in session, but because of the constitutional provision fixing the time when the first regular annual session of this Congress should convene. The contention that because Congress was in session on the last secular day preceding the first Monday in December, and that there was no formal termination of this session at that time, and that therefore this is a continuation of that session, seems to the Chair untenable. It would, in the opinion of the Chair, be as reasonable to say that because there will be no formal ending of to-day and no formal beginning of to-morrow therefore Saturday will continue forever or throughout our existence. [Applause.]

The illustration used by the gentleman from Maine to prove his contention that this is a continuous session—namely, that if the House was in the act of calling the roll upon the passage of some bill when the hour arrived for the convening of Congress in its annual or constitutional session that the roll call could not be further proceeded with—does not prove anything. As a matter of fact, and as the records of Congress show, that incident or circumstance has occurred on several occasions when the time for the termination by operation of law of the second annual session of Congress arrived. The opinion of the Chair that the first session of the Fifty-eighth Congress convened by the President terminated by operation of that provision of the Constitution which fixes the time for the beginning of the annual session of this Congress is not without precedent.

In the Fortieth Congress this same question arose. Just at the close of the extra session, Mr. Sherman, then a Senator from Ohio, said:

I can not see any object in passing this concurrent resolution.

The concurrent resolution he referred to was that the presiding officers of the two Houses should at a specified time declare their respective Houses adjourned without day.

Said Mr. Sherman:

The Constitution provides that the regular session of Congress shall be on the first Monday of December, and, according to law, I believe—or, at any rate, such is the usage—the hour for meeting on that day is 12 o'clock. We shall meet at that time in a new session. The recent law has not changed that regular time of meeting, and the result is that the next session of Congress will commence necessarily at noon on Monday.

Mr. Sumner, on the same occasion, said:

And that brings me to the exact point as to whether the present session should expire precisely at the time when the coming session begins. I see no reason why it should not. I see no reason why we should interpose the buffer even for five minutes.

It was proposed to adjourn to 11 o'clock and 55 minutes.

Let one session come right up close upon the other, and then we shall exclude every possibility of evil consequences from the character of the Chief Magistrate. * * * Now, I know not why when this session expires we may not at the same time announce the beginning of the new session.

These quotations, taken from the Globe, show that in the judgment of such men as Mr. Sherman and Mr. Sumner, two of the ablest men in either House of Congress at that time, if not

since, the called session of the Fortieth Congress expired by operation of law when the time for the Congress to assemble under the Constitution arrived.

The proceedings of the Forty-fifth Congress have been referred to, and the Chair desires to present to the committee in support of its ruling the history of the matter from the precedents prepared by Mr. Asher C. Hinds, clerk at the Speaker's table.

On October 15, 1877, Congress met in extraordinary session on the call of the President and remained in session until the first Monday in December, the day appointed by the Constitution for the regular assembling of Congress.

On Saturday, December 1, 1877, Mr. Fernando Wood, of New York, offered the following resolution, which was agreed to by the House:

Resolved (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, directed to adjourn their respective Houses, without day, at 3 o'clock p. m. this day.

Later on the day of December 1 the House took a recess until 10 a. m. of the calendar day of Monday, December 3, the day prescribed by the Constitution for the meeting of the regular session of Congress.

On the same day, December 1, the Senate adjourned until Monday, December 3, at 10 a. m.

As soon as the Senate had approved its Journal on Monday, December 3, Mr. George F. Edmunds, of Vermont, offered this resolution, which was agreed to without debate:

Resolved by the Senate (the House of Representatives concurring), That it is the judgment of the two Houses that the present session of Congress expires by operation of law at 12 o'clock meridian this day.

On the same day this resolution was agreed to by the House without debate.

After the above resolution had been agreed to the Senate took up the resolution of the House of December 1, and agreed to it with an amendment striking out the words "3 o'clock p. m. this day" and inserting "11 o'clock and 50 minutes a. m. Monday, the 3d of December, instant." The House concurred in that amendment.

Then the two Houses agreed to the usual resolutions authorizing the appointment of a joint committee to wait on the President and inform him of the adjournment.

And at 11.50 a. m. the Speaker declared the House adjourned sine die in accordance with the resolution of the two Houses; and ten minutes later the Speaker, at 12 m., called the House together in the new session, the roll being called by States.

Some gentlemen have said that the value of this precedent is practically destroyed because the resolution declaring it to be the judgment of both Houses of Congress that the extra session expired by operation of law was agreed to without debate. The RECORD shows that there was considerable discussion over this proposition. There was some trouble or fear of trouble in the matter of securing a sine die adjournment, and at the last moment, in order that the question might be settled, Senator Edmunds offered the concurrent resolution expressing the judgment of the two Houses upon this question.

In the judgment of the Chair, therefore, the session of Congress convened by the President on November 9, 1903, terminated by operation of law; that this is a session of Congress separate and distinct from that one, and, as declared by the unanimously approved Journals of the House and Senate, is the second session of the Fifty-eighth Congress. It being the regular annual session, and as the law of 1866 authorizes the payment of mileage to Senators, Representatives, and Delegates attending this session, in the opinion of the Chair the paragraph appropriating the money for the payment of that mileage is clearly in order.

The Chair therefore overrules the point of order. [Applause.]

The Chair inserts as an appendix to this decision the following:

The statutes heretofore enacted for compensation and mileage for Members of Congress.

CHAPTER XVII.—An act for allowing compensation to the Members of the Senate and House of Representatives of the United States and to the officers of both Houses. (c)

SECTION 1. *Be it enacted, etc.*, That at every session of Congress, and at every meeting of the Senate in the recess of Congress, prior to the 4th day of March, in the year 1795, each Senator shall be entitled to receive $6 for every day he shall attend the Senate, and shall also be allowed, at the commencement and end of every such session and meeting, $6 for every 20 miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress; and in case any Member of the Senate shall be detained by sickness on his journey to or from any such session or meeting, or after his arrival shall be unable to attend the Senate, he shall be entitled to the same daily allowance: *Provided always*, That no Senator shall be allowed a sum exceeding the rate of $6 a day from the end of one such session or meeting to the time of his taking his seat in another. (1st Cong., 1st sess., U. S. Stat. L., vol. 1, p. 70 (1789).)

Approved September 22, 1789.

CHAPTER XIII.—An act for allowing full mileage to the members of the Senate and House of Representatives of the United States.

Be it enacted, etc., That at the present extraordinary meeting and session of Congress the respective members of the Senate and of the House of Representatives shall be entitled to receive a full allowance of mileage, any law to the contrary notwithstanding. (U. S. Stat. L., vol. 1, p. 533, 5th Cong., 1st sess.)

Approved July 6, 1797.

SEC. 2. *And be it further enacted*, That at every session of Congress after the said 3d day of March, 1817, each Representative and Delegate shall be entitled to receive $8 for every day he has attended or shall attend the House of Representatives, and shall also be allowed $8 for every 20 miles of the estimated distance by the most usual road from his place of residence to the seat of Congress at the commencement and end of every such session and meeting; and that all sums for travel already performed to be due and payable at the time of passing this act. And in case any Representative or Delegate has been, is, or shall be detained by sickness on his journey to or from the session of Congress, or, after his arrival, has been, is, or shall be unable to attend the House of Representatives, he shall be entitled to the same daily allowance. And the Speaker of the House of Representatives shall be entitled to receive, in addition to his compensation as a Representative, $8 for every day he has attended or shall attend the House: *Provided always*, That no Representative or Delegate shall be allowed a sum exceeding the rate of $8 a day from the end of one session to the time of his taking his seat in another. (15th Cong., 1st sess., U. S. Stat. L., vol. 3, p. 404, chap. 5. An act allowing compensation to the members of the Senate, Members of the House of Representatives of the United States, and to the Delegates of the Territories, and repealing all other laws on that subject.)

Approved January 22, 1818.

CHAPTER CVIII.—An act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30th of June, 1853, and for other purposes.

SEC. 3. *And be it further enacted*, That the act entitled "An act to amend an act entitled 'An act allowing compensation to the members of the Senate, Members of the House of Representatives of the United States, and to the Delegates from the Territories,' and repealing all other laws on that subject," shall apply to Senators and Members of the House of Representatives and Delegates from the Territories, at all extra sessions of Congress or of the Senate convened within ten days after the adjournment of a regular session. (U. S. Stat. L., vol. 10, p. 98, 32d Cong., 1st sess.)

Approved August 31, 1852.

CHAPTER CXXIII.—An act to regulate the compensation of Members of Congress.

Be it enacted, etc., That the compensation of each Senator, Representative, and Delegate in Congress shall be $6,000 for each Congress, and mileage as now provided by law for two sessions only, to be paid in manner following, to wit: On the first day of each regular session each Senator, Representative, and Delegate shall receive his mileage for one session, and on the first day of each month thereafter during such session compensation at the rate of $3,000 per annum during the continuance of such session, and at the end of such session he shall receive the residue of his salary due to him at such time at the rate aforesaid still unpaid; and at the beginning of the second regular session of the Congress each Senator, Representative, and Delegate shall receive his mileage for such second session and monthly during such session compensation at the rate of $3,000 per annum till the 4th day of March terminating the Congress, and on that day each Senator, Representative, and Delegate shall be entitled to receive any balance of the $6,000 not theretofore paid in the said monthly installments as above directed. (U. S. Stat. L., p. 48, vol. 11.)

Approved August 16, 1856.

Joint resolution to amend the act entitled "An act to regulate the compensation of Members of Congress," approved August 16, 1856.

Resolved, etc., That the compensation allowed to Members of Congress by an act entitled "An act to regulate the compensation of Members of Congress," approved August 16, 1856, be paid in the following manner, to wit: On the first day of the first session of each Congress, or as soon thereafter as he may be in attendance and apply, each Senator, Representative, and Delegate shall receive his mileage, as now provided by law, and all his compensation from the beginning of his term, to be computed at the rate of $250 per month, and during the session compensation at the same rate. And on the first day of the second or any subsequent session he shall receive his mileage as now allowed by law, and all compensation which has accrued during the adjournment at the rate aforesaid, and during said session compensation at the same rate.

SEC. 2. *And be it further resolved*, That so much of said act approved August 16, 1856, as conflicts with this joint resolution and postpones the payment of said compensation until the close of each session be, and the same is hereby, repealed. (U. S. Stat. L., vol. 11, p. 367, 35th Cong., 1st sess.)

Approved December 23, 1857.

Joint resolution amendatory of an act entitled "An act to regulate the compensation of Members of Congress," approved August 16, 1856, so far as relates to such Members as shall die during their terms of service.

Be it resolved, etc., That whenever hereafter any person elected a Member of the Senate or House of Representatives shall die after the commencement of the Congress to which he shall have been so elected compensation shall be computed and paid to his widow, or if no widow survive him, to his heirs at law, for the period that shall have elapsed from the commencement of such Congress as aforesaid to the time of his death, at the rate of $3,000 per annum: *Provided, however*, That compensation shall be computed and paid in all cases for a period of not less than three months: *And provided further*, That in no case shall constructive mileage be computed or paid.

SEC. 2. *Be it further resolved*, That the compensation of each person elected or appointed afterwards to supply the vacancy so occasioned shall hereafter be computed and paid from the time the compensation of his predecessor is hereby directed to be computed and paid for, and not otherwise.

SEC. 3. *Be it further resolved*, That the provisions of this joint resolution, so far as the same are beneficial to the widows or heirs at law of Members of Congress, as aforesaid, shall be extended and applied to the widows and heirs at law of Members elected to the present Congress who have died since its commencement. (U. S. Stat. L., vol. 11, p. 443, 35th Cong., 2d sess.)

Approved, March 3, 1859.

CHAPTER XLI.—An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending 30th of June, 1863, and additional appropriations for the year ending 30th of June, 1862.

Legislative.—For compensation and mileage of Senators, $240,430: *Provided*, That the second mileage due by law shall be paid at the present session as soon as certified by the presiding officers of the Senate and House: *And provided further*, That the foregoing proviso shall not be construed to include more than two mileages for the present Congress. (U. S. Stat. L., vol. 12, p. 355, 37th Cong., 2d sess.)

Approved, March 14, 1862.

CHAPTER LXXIII.—An act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1866, and additional appropriations for the current fiscal year.

SEC. 6. *And be it further enacted*, That no part of the money appropriated either by this act or former acts shall be applied to the payment of any claim

for constructive mileage on account of any extra session of either House of Congress. (U. S. Stat. L., vol. 13, p. 460, 38th Cong., 2d sess.)
Approved, March 2, 1865.

CHAPTER CCXCVI.—An act making appropriations for sundry civil expenses of the Government for the year ending June 30, 1867, and for other purposes.

SEC. 17. *And be it further enacted*, That the compensation of each Senator, Representative, and Delegate in Congress shall be $5,000 per annum, to be computed from the first day of the present Congress, and in addition thereto mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session; but nothing herein contained shall affect mileage account already accrued under existing laws: *Provided*, That hereafter mileage accounts of Senators shall be certified by the President of the Senate and those of Representatives and Delegates by the Speaker of the House of Representatives: *And provided further*, That the pay of the Speaker shall be $8,000 per annum. (U. S. Stat. L., vol. 14, p. 323, 39th Cong., 1st sess.)
Approved, July 28, 1866.

CHAPTER X.—An act to fix the times for the regular meetings of Congress.

Be it enacted, etc., That, in addition to the present regular times of meeting of Congress, there shall be a meeting of the Fortieth Congress of the United States, and of each succeeding Congress thereafter, at 12 o'clock meridian on the 4th day of March, the day on which the term begins for which the Congress is elected, except that when the 4th of March occurs on Sunday then the meeting shall take place at the same hour on the next succeeding day.

SEC. 2. *And be it further enacted*, That no person who was a Member of the previous Congress shall receive any compensation as mileage for going to or returning from the additional session provided for by the foregoing section. (U. S. Stat. L., vol. 14, p. 378, 39th Cong., 2d. sess.)
Approved, January 22, 1867.

CHAPTER XI.—An act repealing the increase of salaries of Members of Congress and other officers.

Be it enacted, etc., That so much of the act of March 3, 1873, entitled, "An act making appropriations for legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874," as provides for the increase of the compensation of public officers and employees, whether Members of Congress, Delegates, or others, except the President of the United States and the Justices of the Supreme Court, be, and the same is hereby, repealed, and the salaries, compensation, and allowances of all said persons, except as aforesaid, shall be as fixed by the laws in force at the time of the passage of said act: *Provided*, That mileage shall not be allowed for the first session of the Forty-third Congress; that all moneys appropriated as compensation to the Members of the Forty-second Congress in excess of the mileage and allowances fixed by law at the commencement of said Congress, respectively, or which, having been drawn, have been returned in any form to the United States, are hereby covered into the Treasury of the United States, and are declared to be the moneys of the United States absolutely, the same as if they had never been appropriated as aforesaid. (U. S. Stat. L., vol. 18, pt. 3, p. 4; 43d Cong., 1st sess.)
Approved, January 20, 1874.

CHAPTER III.—An act to provide for deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1878, and for prior years, and for other purposes.

Senate.—For the payment of mileage, for actual travel only, to Senators who took their seats at the session of the Senate convened on the 5th day of March, 1877, by proclamation of the President, and who were not members of the previous Congress, $6,500. (U. S. Stat. L., vol. 20, p. 10, 45th Cong., 2d sess.)
Approved, December 15, 1877.

Mr. UNDERWOOD. Mr. Chairman, I now renew my motion to strike out the paragraph in reference to mileage.

Mr. GROSVENOR. Mr. Chairman, I move to amend the paragraph as follows.

The CHAIRMAN. The gentleman will send up his motion to amend.

Mr. UNDERWOOD. Mr. Chairman, I have not yielded the floor. The Chair recognized me for a motion. I desire to discuss my motion before the gentleman from Ohio is recognized. Am I correct in my position?

The CHAIRMAN. The Chair is of the opinion that the motion of the gentleman from Alabama would have to be held in abeyance until the paragraph has been perfected.

Mr. UNDERWOOD. Well, but, Mr. Chairman, I had the floor and was recognized. Of course I admit that the vote will not be taken on the paragraph until the House has concluded whether it will amend it or not, but the Chair has recognized me and I am entitled to the floor until I yield it.

Mr. GROSVENOR. Mr. Chairman, to cut the matter short, if the Chair will recognize me to make my motion to amend after the five minutes of the gentleman from Alabama have expired, I will waive any question about it.

The CHAIRMAN. Very well; the Chair will recognize the gentleman from Ohio after the gentleman from Alabama has completed his remarks.

Mr. HEMENWAY. I suggest that the gentleman make his motion as to both paragraphs, covering the mileage of the Senate and House. He said he moved to strike out the paragraph.

Mr. UNDERWOOD. Mr. Chairman, as I understood the parliamentary situation on yesterday, the chairman of the committee, by unanimous consent, amended the paragraph by inserting the mileage for the Senate.

Mr. HEMENWAY. There are two paragraphs.

Mr. UNDERWOOD. Then I make my motion. I move to strike out the two paragraphs relating to mileage, one for the House and one for the Senate. When the question comes to a vote I will ask the Chair to submit the proposition, if necessary, that we vote on both together, so that we may obviate two votes on the proposition.

Mr. GROSVENOR. I make the point of order against the gentleman's motion, so far as it relates to the paragraph in reference to the mileage of the Senate. That was put in by a vote of the committee and we can not move to strike that out.

Mr. HEMENWAY. Oh, no; it went in by unanimous consent, with the understanding that it would be open to the same consideration as the other.

Mr. GROSVENOR. I did not understand that.

Mr. UNDERWOOD. Mr. Chairman, some time ago when this bill was reported to the House, having been opposed to the paragraph in the committee, I felt it was my duty to present the reasons to the House why I opposed the adoption of this paragraph, why I was opposed to this House paying itself a second mileage for this session of Congress. I believed then, and I believe now, that we have been legally and technically in one session of Congress from the time when we met up to the present day. But I have already stated my opinion upon that question, and I do not care to burden the House with renewed discussion along that line. But whether we have been in two technical sessions or one technical session since the 9th day of November down to the present day, I say that under no contemplation of law as recognized by ourselves and our constituents when we were elected to this Congress are we justified in accepting a second mileage or paying ourselves a second mileage when in fact we have been in continuous session since the 9th day of last November. I do not mean to say that the House has not taken a recess occasionally from day to day. I do not intend to deny the fact that on Sundays we have not been in session, but in practice and in fact we have been in continuous session. On Saturday before the first Monday in December we took a recess until 11 o'clock and 55 minutes p. m. of that Monday, carrying the session of the Saturday previous over until a few minutes before 12 o'clock noon on that day.

Mr. THAYER. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. I yield to the gentleman, although I have very little time.

Mr. THAYER. If I understand the gentleman's position, he is opposed to receiving this mileage because we have had one continuous session. Now, if we had had a sine die adjournment on Saturday, December 5, instead of an ordinary adjournment, then does he say we would be entitled to our mileage?

Mr. UNDERWOOD. I can say right here that I would not accept my mileage under those circumstances. I grant that any gentleman can accept them or not, as he sees proper.

Mr. THAYER. I have not asked that question. Will you answer the question I did ask?

Mr. UNDERWOOD. That is an answer to your question as I understand it.

Mr. SHERLEY. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. I will yield to the gentleman.

Mr. SHERLEY. Does the gentleman consider mileage is to cover actual expenses of traveling to Washington and returning, or does he consider it as a part of the compensation of the Members of the House?

Mr. UNDERWOOD. I consider it, Mr. Chairman, unquestionably a part of the compensation, and that is just exactly what I have been attempting to say. I say that it is a part of the compensation; that when we were elected we were elected with that compensation, and there is nothing that has arisen since that time that would in fact, in law, or in equity entitle us to increase our compensation any more than there would be if we brought in a bill making our salaries $10,000 a year instead of $5,000 a year.

Now, to sum up the proposition. You may argue that we ought to have a salary of $10,000. You may argue that a Member of Congress ought to have a compensation of $10,000 a year. But if we are going to increase our salaries, let us walk out flat-footed and tell the country exactly what we are going to do and why we are going to do it. But if it is compensation, can any gentleman give a good and satisfactory reason why the compensation should be increased because on Monday, five minutes before noon, we adjourned for that day and met five minutes afterwards? Is that any better reason why we should have more pay than if we had gone on in continuous session? Is there any reason why we should have more pay as Members if we had adjourned in the month of November and then met in December, and adjourned a month later, when, practically, we accomplished the ordinary amount of work on the day that we adjourned?

Mr. SIMS. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. I yield to the gentleman.

Mr. SIMS. Does the gentleman think that mileage accepted for any extra session would not be an increase of his salary?

Mr. UNDERWOOD. If it had gone through, it would be an increase of compensation. If we had been put to additional trou-

ble or labor or expense, there would be some good, valid reason why a Member's compensation should be increased; but when I say that we were here on Saturday and adjourned over to Monday, were in session at 11.55 o'clock in what they call an "extra session" and met again in a few minutes. I want to know where is the reason that justifies us in increasing our compensation or justifies us in taking it?

Mr. SIMS. Now, then, in the Fifty-fifth Congress we had an extra session on the 15th day of March, eleven days after the Fifty-fourth Congress adjourned, and many Members did not go home in the brief interval between the Fifty-fourth Congress and the Fifty-fifth, and yet we passed a resolution giving them mileage, and, as far as I recollect, the gentleman assented to it. Now, if we gave that mileage, is it not an addition to the compensation not contemplated by the law?

Mr. UNDERWOOD. I do not know whether it is contemplated by the law, but it was expended, and, of course, increased the compensation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. But Congress adjourned, and we went home. Of course some of the men did not go home, but Congress went home, as far as that was concerned, and I believe most of the Members of the House did.

Mr. SIMS. I am opposed to paying this, but not on the question of compensation.

Mr. UNDERWOOD. I want to add that the Committee on Appropriations reported this item to the House because it seemed to them to be in the line of precedents, as stated by the chairman of the committee, and in order that the House might have the opportunity to give it consideration, the subject having been officially brought to the attention of the committee by the following letter:

HOUSE OF REPRESENTATIVES U. S.,
OFFICE SERGEANT-AT-ARMS,
Washington, D. C., January 21, 1904.

Hon. J. A. HEMENWAY,
Chairman Committee on Appropriations, House of Representatives.

DEAR SIR: By joint resolution approved November 12, 1903, the appropriation made in the legislative, executive, and judicial appropriation act approved February 25, 1903, for mileage of Representatives and Delegates in Congress for the present session was made available and payable and has been paid for attendance on the extraordinary session of the present Congress, which assembled November 9, 1903.

I am daily in receipt of applications from a large number of Members of the House for their mileage for the present session, under authority of the law, which provides that they are entitled to mileage for each regular session of Congress. In order to comply with the request and pay mileage under said law to all Members and Delegates for the present session it will be necessary to provide an appropriation in the deficiency bill or otherwise in the sum of $145,000.

Very respectfully,
HENRY CASSON,
Sergeant-at-Arms, House of Representatives.

Mr. GROSVENOR. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Ohio offers the following amendment, which the Clerk will read.

The Clerk read as follows:

In line 5, page 58, after the word "dollars," add the following:
"*Provided*, That any Member of Congress who shall be entitled to the mileage appropriated in this bill may, if he so desires, cover the same into the Treasury, and the Secretary of the Treasury shall give such Member a receipt for the same and carry it upon the books of the Treasury as a miscellaneous item: *And provided further*, That any money remaining to the credit of any Member of Congress, as the whole or any part of his mileage, for the period of thirty days, after the approval of the act, shall lapse into the Treasury and be taken up as a like item of money in the Treasury."

Mr. HAY. Mr. Chairman, I make the point of order on the amendment.

Mr. GROSVENOR. What is the point of order?

Mr. HAY. That it changes existing law.

Mr. GROSVENOR. It is simply a limitation upon the paragraph.

Mr. HAY. It is legislation on an appropriation bill.

The CHAIRMAN. The Chair will hear the gentleman from Virginia if he has anything to say in support of his point of order.

Mr. HAY. It is already the law that all such sums shall lapse into the Treasury after the 1st day of July, and this is new legislation on an appropriation bill and practically repeals that law.

Mr. GROSVENOR. Mr. Chairman, I think it is not necessary to argue that question.

The CHAIRMAN. The Chair desires to call the attention of the gentleman from Ohio to the general rule of parliamentary law that it is seldom possible, if ever, to change existing law under a term or form of a limitation.

Mr. GROSVENOR. No; but here we propose to make an appropriation of $145,000, and this amendment simply proposes that when so made the conditions upon which it is made shall adhere to the document itself. It does not change existing law, it simply limits the appropriation of this money to the time and the specific purpose for which it is offered.

Mr. HEMENWAY. I suggest to the Chair that it in no way changes the appropriation, it simply limits it after the money has been appropriated.

The CHAIRMAN. The Chair is of the opinion that, there being no law on the subject of the disposition of mileage not paid, this would be a limitation upon this appropriation, and it is in order.

Mr. GROSVENOR. Then, Mr. Chairman, I wish to say a very few words on this general subject. The gentleman from Georgia [Mr. MADDOX] is reported in the RECORD to have said yesterday—I could not hear him because of the great confusion—when I offered this amendment in a rather imperfect form:

I have often, not only in this House, but in other legislative bodies, heard that cheap amendment offered, such as has been offered by the gentleman from Ohio, before.

Now, I want to simply disabuse the mind of the gentleman from Georgia that this is a silly amendment, or an amendment made as a joke. It is, to my mind, a very serious amendment, and I make it in all good faith and in all seriousness. If this money is due to the Members of this House, and I believe it is, each individual Member of the House has a duty to perform, first, in the question of the appropriation of the money, and that is a public duty that he owes to the whole body, and secondly, a duty that he owes to himself. If, in his individual judgment, this money ought not to be paid to himself, I provide a remedy by which he can put it back into the Treasury, and I call the attention of the gentleman from Georgia to the fact that he is in error when he says that we can put money into the Treasury of the United States.

He could not do it. If this money is appropriated and placed to the credit of a Member of Congress in the hands of the Sergeant-at-Arms, the gentleman from Georgia nor any other gentleman can put that money into the Treasury of the United States, for there is no law authorizing it to go in. I for one would not put any money, under these circumstances, into what may be called the "conscience fund," about which there is a provision of law. So I am right in saying first that there is no avenue by which this money can go back into the Treasury except by the provision of law, and that provision I purpose to incorporate in this bill.

Mr. FINLEY. Will the gentleman from Ohio yield?

Mr. GROSVENOR. In a moment, when I get through. In the second place, but for the further limitation of this second proviso a Member of Congress, if he saw fit, could leave the money standing as a credit to him, never to be barred by the statutes of limitation. It is a claim in his own favor at some subsequent date and a claim in favor of his estate after he is dead.

Now, we had some exploiting of conditions of this sort a good many years ago in this country. I remember a single case at the time of the "salary grab," as it was called, where a Member of Congress, whose name I shall not mention, voted against it and declared in a public interview that was telegraphed all over this country that he would not take it. Fifteen years afterwards I happened to be in the Treasury and a clerk there called my attention to the fact that, beginning seven or eight years after the gentleman had gone out of Congress, he began to check against that money and checked it all out. [Laughter.]

Now, my proposition is, and I think everybody will be in favor of it who desires to meet this question fairly, first, that every man shall vote as he sees fit on the question of the appropriation, and if the appropriation is carried, let him not undertake to dodge the responsibility that grows out of the appropriation of this money, but let him march right up like a man and do one of two things—either take the money or turn the money back into the Treasury, as he well may if he agrees with me in my position on this question. That, Mr. Chairman, is the purpose of my amendment. [Applause.] It is to put it beyond the manipulation in the coming election by demagogues. Stand up and take your money or give it back to the Treasury of the United States. That is the whole of it; that is all there is in this amendment. It is very simple, very plain and obvious, and the way to peace of mind and dignity of purpose and action on the part of every Member of this House. [Laughter and applause.] Now, I will yield to the gentleman from South Carolina.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MADDOX. Mr. Chairman, in my reply to the gentleman from Ohio yesterday that I did not need his advice about what to do with the money, or what I should do with it, I was under the impression that if the money was not drawn from the Treasury on the 1st of July it was covered back into the Treasury.

Mr. GROSVENOR. If I understand the law, and I am told by a gentleman recently Solicitor of the Treasury that I am correct, it takes two years before it lapses. But in this case it will be money in the hands of the disbursing officer belonging to the Member, and if my amendment is defeated it will remain for years.

Mr. MADDOX. Then how did the man that the gentleman refers to draw it out after seven years?

Mr. GROSVENOR. That was the trouble; a question arose whether the money was an ordinary appropriation, and it was decided that it became a credit to him against the Government and was not an appropriation within the meaning of the statute. Therefore it would never lapse back.

Mr. MADDOX. Mr. Chairman, from my view of the case, from what I believe to be the law, I think I am still right in respect to that matter that this mileage would lapse back into the Treasury on the 1st day of July unless it were drawn out.

Now, I want to repeat that when the gentleman talks about demagogues and wants us to march up to the issue, I want to say that I will meet him on the issue at this place or any other place. I never dodged a question that came up in this House during the twelve years that I have been here.

Mr. GROSVENOR. Oh, I have no controversy with the gentleman from Georgia.

Mr. MADDOX. Then, I can not understand what the gentleman meant when he referred to demagogues; I am the only man that has spoken on this matter.

Mr. GROSVENOR. I only used the word in reference to a question to be met hereafter.

Mr. MADDOX. I want to say to the gentleman, without giving him an opportunity to use up my time, that I stand ready now and have upon all propositions, as I always have in this House on all occasions, to vote upon any proposition, and I intend to do it now. Now, what have we got presented to us? In a few words I want to briefly state my position. The Chair has ruled, and we accept the ruling, that we have had two sessions.

But there was only a shadow of time, something which can be only imagined, that existed between those two sessions. We were all here or ought to have been in our seats when the adjournment took place and when the new session began. By my side, perhaps, sits a man from the Pacific coast, taking probably $2,500 of mileage, myself $270, and the gentleman from Maryland [Mr. DENNY] $16, and yet, without traveling or incurring any expenses, the gentleman from the Pacific coast will add to his salary $2,500 and the gentleman from Maryland $16 and myself $270, so that the effect of it is to add to our salaries a sum of money for doing absolutely nothing and with no consideration given therefor, besides operating as a gross discrimination against some of us.

Now, the question is, Is it expedient, is it honest, to do anything of that sort? We have been calling upon these various Departments for a statement of the expenditure of money for carriages and automobiles and things of that sort that were not provided for by law. I want to say to you, gentlemen of the committee, that if you expect to have any effect upon these Departments and upon the country toward correcting these evils you must first sweep before your own door; the spring must be clear if you expect the water to be clear below it—the fountain must be pure. We have the right as Representatives to vote this money, under the ruling of the Chair, into our pockets, if we see proper, but the question is, Are we equitably entitled to it? That is the question. I do not think so, and I shall vote against it.

Mr. GILLETT of Massachusetts. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

That from and after the passage of this act no Senator or Member of the House of Representatives shall be entitled to receive mileage for any session of Congress or of the Senate commenced within three days after the adjournment of any session for which he has received or is entitled to mileage.

Mr. GILLETT of Massachusetts. Mr. Chairman, that is not wholly original with me, for it represents the principle of a law that was passed in 1852, and which may be in force to-day, and I have no doubt that it will surprise this House to know that that was apparently originated to cure an abuse which arose in that center of economy and altruism, the United States Senate. At that time the Senate had obviously contracted the habit of taking mileage for the executive session which is always called at the beginning of every Presidential term, and so in 1851 a law was passed prohibiting any Senator from taking mileage for the session beginning March 4, 1853, and the sessions every four years thereafter. The next year—in 1852—Congress went a step further and made this principle apply to both House and Senate by a law which said:

The above act shall apply to all extra sessions of Congress or of the Senate convened within ten days after the adjournment of a regular session.

In other words, it provided that whenever one Congress comes within ten days of another the second Congress is not entitled to mileage. I fancy that Congressmen in those days were just as fond of mileage as we are; that they did not legislate from any unwillingness to take it, but that it was under the stress of public opinion that they refused to take mileage for one session when it came within ten days of another; and it seems to me the same public opinion holds to-day and that although, of course, we have a right to vote ourselves any amount of mileage, as we have the right to vote ourselves any amount of compensation, at the same time public opinion recognizes that when one Congress ends and another begins immediately there is no travel and there ought to be no mileage. It seems to me that the same law which they passed then offers a good example for us to follow to-day, and that we ought to adopt this amendment which I have offered, and thus settle the practice conclusively. If this fails, I shall vote for the motion of the gentleman from Alabama [Mr. UNDERWOOD], to strike out the appropriation; but that still leaves us with a technical legal claim on the Treasury which any subsequent appropriation bill may satisfy. This amendment of mine not only accomplishes more perfectly the object he aims at now, but it also settles the law and the right for the future.

I think myself we ought to go a step further. I think we ought to consolidate all these different methods we have of getting compensation. I would strike out all mileage and give every Member of the House $500 in lieu thereof. That would cost the Treasury about the same as now, and would make the division among the Members much more equal, although that would favor those who live near by as the present law favors those who live far off. I would strike out the stationery and give every Member $125, as at present. That makes $625. I would strike out clerk hire, for which we get $1,200, and strike out all the limitations about it by which we are not allowed to make our own contracts. That would make $1,825. Then I would give every man $675 more in lieu of office rent and repeal this law that we have passed to build a big office building. I think the interest on the money required to erect that building, and its running expenses, would amount to more than $675 per Member, and I think with that sum each Member could get accommodations more satisfactory to himself than the office building. This would give to each Member $2,500 in lieu of mileage and stationery and clerk hire and office rent, and allow him to expend it as he pleases. It would not cost the country, I believe, a dollar more than it is paying to-day, and it would not be giving us anything more except in the office rent, but I think it would make it a great deal more comfortable for us all. It would allow us to make any contracts we please about our clerks. Each man could pay as much and save as much as he pleased, and while benefiting us would not cost the country anything.

But, of course, that would not be permissible here, as it would be clearly subject on this bill to a point of order and ought to be passed on carefully by a committee.

But I think myself that all these perquisites, as they might be called, ought to be wiped out, and we ought to give ourselves the money to use as we please. I do not believe the people think that we are overpaid to-day, and, of course, it is only because we are afraid of public opinion that we do not raise our salaries. This proposition of mine would not raise our salaries in the sense of costing the Treasury more than we do to-day, but at the same time, by consolidating our different accounts, it would be to our advantage and convenience. I think that we ought not to take this extra mileage, whether it is technically compensation or not, because, although mileage has come to be a mere matter of phrase and is not used to pay for our traveling expenses, yet the people, the country at large, look upon it as compensation for going home and coming back, and if we take it now they will say that we are taking an allowance for thus going home and coming back, when, in fact, we had just a second in which to make the journey. Therefore, while we have unquestionably a legal right to it and this appropriation simply carries out existing law, I think we would be very unwise to take it.

The CHAIRMAN. The Chair desires to ask the gentleman from Massachusetts [Mr. GILLETT] whether he offered this amendment as a substitute for the text of the bill or as a substitute for the amendment of the gentleman from Ohio?

Mr. GILLETT of Massachusetts. As a substitute for the text of the bill.

Mr. BAKER. I should like to ask the Chair whether the law cited by the gentleman from Massachusetts is the present law or not? If it is the present law, must not the Chair rule that this section is out of order as new legislation?

The CHAIRMAN. It is not the law; the gentleman from Massachusetts did not so state.

Mr. BAKER. I asked the Chair that question because I understood the gentleman from Massachusetts to say he was in doubt.

The CHAIRMAN. It is not the law. The only law on the subject to-day is the act of 1866.

Mr. DE ARMOND. Mr. Chairman, the question of order having been disposed of, the real question involved in this proposition is now before the House. It is raised by the presence in the bill of these paragraphs providing for mileage, and by the motion of the gentleman from Alabama to strike them out. The question is now whether we ought to adopt that motion or ought to pass the bill with those paragraphs retained in it.

In my judgment, the motion to strike out ought to prevail. I do not believe that the Chairman is correct in his construction of the law in regarding mileage as a part of our compensation. I do not believe that the gentleman from Alabama [Mr. UNDERWOOD] is correct in his conclusion that there is no doubt about the correctness of the construction given to this statute by the Chairman of the Committee of the Whole. On the contrary, I believe the compensation is $5,000 per year; and, in addition to the compensation, mileage at a specified rate is allowed. Note the reading of the provision itself:

That the compensation of each Senator, Representative, and Delegate in Congress shall be $5,000 per annum; to be computed from the first day of the present Congress.

That language of the clause last quoted has reference, of course, to the particular Congress which passed the act, and has no meaning now, so that, eliminating that clause, and bringing the remainder of the words into closer connection, the provision is:

That the compensation of each Senator, Representative, and Delegate in Congress shall be $5,000 per annum, and in addition thereto mileage—

At the specified rate.

The construction which gentlemen put upon those words "in addition thereto" makes them return to the "$5,000." That is the construction of the Chairman, and the construction which the gentleman from Alabama adopts. I do not take the same view. The words "in addition thereto" mean, I think, "in addition to the compensation." The compensation is $5,000, and in addition to the compensation mileage is given. I believe the language properly carries that meaning without construction, or, if construed, requires that construction as the only proper construction.

But if the "mileage" is "compensation," why should the Representative from California or the Delegate from Hawaii have greater compensation than the Representative in Congress from the city of Baltimore, who has but about 40 miles to travel?

I know the answer will come very readily, "Because the Delegate from Hawaii or the Representative from California has very much farther to travel than the Representative from Baltimore." Had he farther to travel to attend this session of Congress, calling this the second session?

If there is a division between these sessions, so that instead of this being a part of the session which began the 9th day of November we are in another session which began the first Monday in December, the session beginning the 9th of November ending at the same moment of time when the other session began—however that may be, and that has been determined by the ruling of the Chair, as affecting this matter—everybody knows that it was an absolute physical impossibility for any Member of Congress or any Delegate to go to his home and return therefrom in the filmy period of time, or supposed period of time, existing between the ending of the one session and the beginning of the other.

Then, if "mileage" be "compensation," the Representative in Congress from the city of Baltimore is equitably entitled to just as much of the mileage carried by this bill, and entitled to it by just as good a right, in fact, as the Representative in Congress from a district in California or the Delegate in Congress from Hawaii.

Are we really entitled to this mileage? Waiving the question whether we have the legal, naked, technical right to vote it to ourselves, are we entitled to it? The mileage, I believe, is intended as an allowance for the necessary travel from our homes to the place of the assembling of Congress and the return, at the conclusion of the session, from the place where Congress sits to our homes.

Now, inasmuch as we did not and could not make this trip, could not earn this mileage, could not equitably be entitled to this allowance for anything that could have transpired or did transpire between the time when the session called by the President ended, or might be supposed to have ended, and the time when the session provided for by the Constitution began, or might be supposed to have begun; inasmuch as that was an impossibility; inasmuch as nobody did any traveling or could do any traveling between these sessions in that infinitesimally minute portion of time—if any there was—between them (conceding to anybody else, of course, the same right of opinion which I assert for myself, and imputing to nobody any worse motives than those which actuate me, and claiming for myself no better ones than those which may influence the vote of any other gentleman), I believe that we ought not to vote this mileage to ourselves, but ought to vote against it and take it out of the bill.

In that belief I for one shall vote to strike it out; shall vote against its retention in the bill; shall vote against the passage of the bill if it be left in it; shall, if I can get recognition, if it remain in the bill, offer a motion to recommit the bill with instructions to the Committee on Appropriations to strike it out. I shall do this just simply in the exercise of my judgment and the performance of my duty as I see it, without any reflection upon anybody, and without assuming any superior knowledge or any superior virtue in the matter.

That is all I desire to say.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. GROSVENOR].

Mr. BAKER. Do I understand the Chair to rule that the amendment offered by the gentleman from Ohio is in order?

The CHAIRMAN. The Chair held that it was.

Mr. BAKER. Then I will discuss that as well as the other.

The CHAIRMAN. The gentleman from New York.

Mr. BAKER. Mr. Chairman, whatever may be the legal aspects of this matter, it seems to me perfectly obvious that the Members of this House must decide this as a question of morality, as a question of equity. I can not agree with those who construe the language of the statute to mean that the $5,000 salary and the mileage taken together are compensation. There can, in my judgment, be no such construction. The $5,000 is the salary of everybody who is a Member of this House. The mileage is obviously to equalize the difference in the cost of reaching Washington. That being so, if it is impossible, as it is, waiving the question whether there was an infinitesimal space of time between the adjournment of the first session and the convening of the second, it is perfectly obvious that there could not have been any traveling on the part of the Members of Congress who were doing their duty.

If they were here attending to their duty as Members of Congress they could not have done any traveling between those two sessions, and obviously that being so no one can claim any right to mileage for the second session of Congress. To admit that they have a right as compensation is to say, as in the words of the gentleman from Missouri [Mr. DE ARMOND], that Members from California shall each get $1,250 more compensation than the law permits, while gentlemen from Maryland or New York shall get $16 or $100 more. Obviously there could be no such intent when the statute was made. The statute clearly was to equalize the disadvantage, to equalize as between Members of Congress the cost of reaching this body, and there can be no claim in equity for the payment of this mileage when there has been no possibility for anyone to return to his home and to come again on the convening of the second session, even if it is admitted to be a second session.

Mr. HITCHCOCK. Mr. Chairman——

Mr. HEMENWAY. Mr. Chairman, is not debate on this amendment exhausted?

The CHAIRMAN. If the point of order is made, the Chair will have to hold that debate is exhausted on this amendment. The question is on the amendment of the gentleman from Ohio.

Mr. HITCHCOCK. I move to strike out the last word of the amendment.

Mr. HEMENWAY. I suggest to the gentleman that that is an amendment to the amendment now pending, and is not in order.

Mr. HITCHCOCK. Mr. Chairman, have I the floor?

Mr. HEMENWAY. I do not desire to cut off debate, but I desire to go ahead with the business of the House. We have had this matter discussed fully two hours yesterday and two hours to-day.

The CHAIRMAN. The Chair is of opinion that the motion to strike out the last word of the substitute, as an amendment to the substitute offered by the gentleman from Massachusetts, is in order.

Mr. HEMENWAY. Well, Mr. Chairman, I ask unanimous consent that in twenty minutes all debate on this paragraph and amendment be closed.

Several MEMBERS. Five minutes.

Mr. HEMENWAY. Put it at ten minutes. I ask unanimous consent that in ten minutes debate on this paragraph and all amendments be closed.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that debate on the pending amendment and paragraph be closed in ten minutes.

Mr. HEMENWAY. All amendments.

The CHAIRMAN. That includes all of them. Is there objection? [After a pause.] The Chair hears none.

Mr. HITCHCOCK. Mr. Chairman, it seems to me that this is an important question, involving a principle, and it also seems to me that the amendment made by the gentleman from Ohio [Mr. GROSVENOR] tends to belittle that question and ignore that principle. This is a matter which should not be degraded to the question of whether individual Members shall take mileage money or not after it has been legalized. It is not a matter to be decided by the individual, but it seems to me that it is a matter which should be decided now by the collective conscience of Congress. As the gentleman from Missouri has said, if there is not any competent reason why this mileage should be voted, Congress shou'd be fair enough and square enough and true enough to its conscience as a body to vote in favor of striking out this paragraph allowing mileage.

It is very true, as the gentleman from Ohio has stated, that no man is compelled to take this mileage money after it is once voted; but it is also true that one of the great evils of this country to-day is governmental extravagance, and this Congress should set an example to other Departments of the Government by refusing to vote to its Members compensation which none of them have earned and which none of them can be tempted to accept if this paragraph is stricken out.

I think, Mr. Chairman, that it is not fair, nor wise, nor in the public interest for Congress to vote a questionable compensation and invite each Member to decide for himself whether it is right. That would be under this amendment to allow a man to legislate for himself and decide for himself whether mileage should be allowed. This is an important question, not for the amount of money involved, but in the principle involved, and this Congress should not vote money for any purpose which is not justified by public service and by public needs.

I think, Mr. Chairman, that the gentleman from Ohio in offering this amendment is belittling the question which is really before the House, and, as I said, he places it in a light in which it should not be placed. I think the House of Representatives, now that this question has been raised, should set the example to all the Departments of this Government of refusing to vote public money not legitimately required for public purposes. There has been no traveling necessary for public purposes at this session; let there be no mileage allowed.

Now, Mr. Chairman, I am one of those who would receive or be authorized to receive a considerable amount of money if this mileage should be voted. The amount is larger, perhaps, than the average Member receives, but I believe that not I individually, but the House of Representatives as an authority, should say emphatically by its vote, "The public money shall not be used in these cases, and shall not be authorized in other cases, for any purpose when not legitimately required for public uses and public needs." [Applause.]

Mr. OLMSTED. Mr. Chairman, I offer an amendment which I think will settle all this trouble. [Laughter.]

The CHAIRMAN. The Chair desires to ask the gentleman from Pennsylvania whether his amendment is an amendment to the amendment offered by the gentleman from Ohio, or an amendment to the substitute?

Mr. OLMSTED. I offer it as an amendment to the amendment of the gentleman from Ohio.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding the following:

"*Provided*, That no part of this appropriation shall be paid to any Member of either branch of Congress who shall not certify that he did in point of fact go to and return from his home between the first and second sessions of the Fifty-eighth Congress."

[Laughter.]

Mr. McDERMOTT. I ask the gentleman to put in "and that he paid his fare going to and coming from." [Laughter.]

The CHAIRMAN. The amendment of the gentleman from New Jersey is not in order. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from Massachusetts for the text of the paragraph as amended.

Mr. PAYNE. Mr. Chairman, I ask unanimous consent that that be reported again.

The CHAIRMAN. The Clerk will again report the substitute offered by the gentleman from Massachusetts.

The substitute was again reported.

Mr. DE ARMOND. Mr. Chairman, I would like to suggest to the gentleman from Massachusetts that he make that "adjournment or end." I suggest that amendment to the amendment, making it "adjournment or end."

Mr. GILLETT of Massachusetts. I will accept the suggestion offered by the gentleman of "adjournment or end."

Mr. GROSVENOR. That is a proposition that is clearly subject to a point of order.

The CHAIRMAN. The point of order was not made.

Mr. GROSVENOR. They are now proceeding to perfect the amendment, and when it is perfected I desire to make the point of order.

Mr. GILLETT of Massachusetts. It is too late, Mr. Chairman, for the point of order.

Mr. GROSVENOR. I make the point of order——

Mr. GILLETT of Massachusetts. Why, it is too late.

Mr. GROSVENOR. Why, they are just perfecting it and are making changes in it.

Mr. GILLETT of Massachusetts. After an amendment has been once offered and is in order, any amendment to perfect it is in order.

Mr. GROSVENOR. I do not know whether it is or not.

Mr. GILLETT of Massachusetts. I will submit it to the Chair.

Mr. GROSVENOR. Very well; I do not care.

The CHAIRMAN. The Chair desires to state that the gentleman from Massachusetts in order to modify the amendment will have to withdraw it and then offer it in the modified form.

Mr. GILLETT of Massachusetts. Well, I do not dare to do that, because I fear the point of order will be raised; therefore I would prefer to leave it as it is.

The CHAIRMAN. The gentleman can offer it as an amendment to be voted on.

Mr. GILLETT of Massachusetts. I offer as an amendment that the words "or end" be inserted after the word "adjournment."

The CHAIRMAN. The gentleman from Massachusetts proposes an amendment, which the Clerk will read.

The Clerk read as follows:

After the word "adjournment" insert the words "or end;" so as to read "adjournment or end."

Mr. SHOBER. I make the point of order on this substitute—the point of order being that it is a piece of legislation.

The CHAIRMAN. The point of order comes too late—it has been debated.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Massachusetts [Mr. GILLETT].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Chair understands that the motion of the gentleman from Alabama is pending——

Mr. UNDERWOOD. Mr. Chairman, I submitted two motions. There are two paragraphs in the bill, one providing mileage for the House and one providing mileage for the Senate. I moved to strike out both paragraphs, and I ask unanimous consent be given that both may be voted on at once.

The CHAIRMAN. Without objection, the vote will be on the motion to strike out both paragraphs. Is there objection? [After a pause.] The Chair hears none. The question is now on the amendment offered by the gentleman from Alabama, to strike out both paragraphs.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MADDOX. Division, Mr. Chairman.

The CHAIRMAN. The Chair will order that this vote be taken by tellers, and the gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from Indiana [Mr. HEMENWAY] will act as tellers.

The question was again taken by tellers; and the tellers reported that there were—ayes 167, noes none.

So the amendment was agreed to. [Great applause on the Democratic side.]

The Clerk resumed, and completed the reading of the bill.

Mr. STEPHENS of Texas. Mr. Chairman, I now ask to return to the bottom of page 43 for the purpose of making the point of order that I raised yesterday. I will read the whole paragraph, a part of which I object to:

Removal of intruders, Five Civilized Tribes: For the purpose of removing intruders and placing allottees in unrestricted possession of their allotments, $15,000.

The objectionable part of this paragraph is the words "removal of intruders," in line 22, and "removing intruders and," in line 23. Now, for the purpose of eliminating these objectionable words, I offer an amendment which I understand will be satisfactory to the chairman of the committee. I move to amend the paragraph by striking out, in line 21, "removal of intruders;" and in line 23 the words "removing intruders and."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 22, page 43, strike out the words "removal of intruders;" and in line 23 strike out the words "removing intruders and;" so that the paragraph as amended will read as follows, viz:

"Five Civilized Tribes: For the purpose of placing allottees in unrestricted possession of their allotments, $15,000."

Mr. STEPHENS of Texas. Mr. Chairman, I will withdraw the point of order if the amendment is to be adopted, as I understand it is satisfactory to the chairman of the Appropriations Committee.

Mr. HEMENWAY. There is no objection to the amendment.

The CHAIRMAN. The amendment will be considered as agreed to without objection.

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, I ask leave to extend my remarks upon this question in the RECORD.

The CHAIRMAN. The gentleman from Texas asks leave to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. Mr. Chairman, the object of my

amendment is to strike out the words "removal of intruders" from lines 22 and 23 on page 43 of the bill, for the reason that if these words are left in the bill the Indian inspectors—J. George Wright or Guy P. Cobb—or the Indian agent could use the power of the Government to remove any person residing on Indian lands that they might for any reason desire to remove. The bill as amended will only permit them to remove trespassers from lands already allotted to some individual Indian for the sole purpose of placing the allottee in possession of his land.

Mr. Chairman, this paragraph as amended is in exact accord with section 23 of the act of Congress approved July 1, 1902, which only authorizes "an Indian agent, upon the application of the allottee, to place him in possession of his allotment."

Mr. Chairman, I object to placing in the hands of these Indian inspectors the power to remove, at their discretion, any person that they might call an intruder from any land in the Indian Territory. This power, in my judgment, has been used and could and would again be used by these Government officers for private speculation, and the power thus given them would enable them to make money illegitimately out of their official positions.

Mr. Chairman, I am aware that I am making a strong charge of official corruption against public officials; but, sir, there is abundant proof to sustain my charges, and if this Congress would do its duty the Interior Department's conduct of affairs in the Indian Territory would be fully and fairly investigated by Congress and the guilty parties brought to justice.

I understand that Mr. Bonaparte and a Mr. Chalmers have been sent to the Indian Territory to investigate the charges of grafting and corruption coming from that unfortunate Territory; but no report has been furnished us from these gentlemen. I believe that the unfortunate condition in that Territory is largely due to the arbitrary, stupid, law-defying, and vacillating course pursued by the present Secretary of the Interior. Any man who is naturally an autocrat, with autocratic powers placed in his hands by Congress, is a dangerous man to intrust with the property rights of a vast and rich country like the Indian Territory.

Mr. Chairman, Mr. S. M. Brosius, an agent of the Indian Rights Association, went to the Indian Territory last August, and in his official character and after a full investigation made the following report to Mr. Garrett, the president of the Indian Rights Association. This letter was sent by Mr. Garrett to Secretary Hitchcock, and is as follows:

[Springfield (Mass.) Republican, August 18, 1903.]

KNAVERY IN INDIAN TERRITORY—DAWES COMMISSION ACCUSED OF MAKING MONEY BY DEFRAUDING THE INDIAN—THE WORST SCANDAL OF THE SORT.

PHILIP C. GARRETT, *President Indian Rights Association:*

A study of the conditions now existing among the Five Civilized Tribes in Indian Territory impresses one that there is need of a change of management in the interests of the Indians. The Territory has rapidly filled up by reason of privileges granted for location of town sites, and this still increasing population seeks to secure title to the land allotted the Indians under agreements with the Dawes Commission. It is difficult for the sojourner to realize that he is within a Territory belonging to the Indians, whose every interest should be guarded by the Government. The hope of the townsmen is to secure title to lands at the earliest possible moment, and, of course, with the vast majority, no thought is given the prior interest and future welfare of the Indian.

In consequence of this condition, the announcement by the Secretary of the Interior that all sales of lands by individual Creek Indians, secured through manipulation of trust company or land sharks, should be disapproved, and the lands offered for sale by advertisement for sealed bids, created a veritable panic among those who were to profit by the former plan. The injustice resulting from the system discarded by the Secretary was but a repetition of the experience of the Department in the sale of inherited Indian lands within all reservations. In the case of the Creeks, however, a more systematic monopoly seems to have existed, so that trust companies or their henchmen were the chief manipulators to profit thereby. The plan of the few companies and others securing lands from the Indian owner included a contract of the sale at the termination of the lease, without additional consideration.

The prices at which the lands were secured varied from 25 to 75 cents per acre, these lands in turn being sublet to the farmer at from $1 to $2.50 per acre, which shows the opportunity for immense profits covering the Creek reservation alone, which comprises over 3,000,000 acres. The main criticism of the Secretary's order calling for sealed bids came from this class of dealers, who have been inducing the owner to dispose of his land by paying a cash bonus that always seems so alluring to the Indian. The advances thus made are of course a total loss now that the sales are to be made over again.

The farmer who desires to improve a home for himself now feels that he may offer a fair remuneration for the lands to the Government and not be compelled to pay a commission to the trust company as a middleman in the deal, as under the former plan he would be compelled to do, since these companies secured a large share of the lands.

The system adopted by the Dawes Commission for the allotment of the lands of the Cherokees is criticised as being too technical and expensive for the Indians. Each Cherokee is entitled to an allotment of lands valued at $325. To secure this he is now compelled to appear at the office of the Dawes Commission in Tahlequah, which means traveling 150 miles from the distant portions of the reservation. The applicant may remain at Tahlequah awaiting his turn to file on his selection for a month or even longer. His scanty store of ready cash exhausted, he becomes discouraged, and perhaps from dire necessity returns home without having been able to file at all. The small patrimony from the tribe will soon become exhausted under these conditions and the Indian left practically no better off than before he secured title to his portion of lands.

Taking as a basis the number of daily filings on several days when business was evidently not active with the Commission, it is computed that the work of the Commission will not be completed for some thirty-odd years. These figures of the expert mathematician serve to show at least the need of greater activity in the work.

One of the flagrant wrongs to the Cherokees lies in the manner of dealing with excessive land holdings. Section 18 of the agreement with the Cherokees, ratified and approved August 7, 1902, provides that "it shall be unlawful after ninety days after the ratification of the act by the Cherokees for any member of the Cherokee tribe to inclose or hold possession of, in any manner, by himself or through another, directly or indirectly, more lands in value than that of 110 acres of average allotable lands of the Cherokee Nation, either for himself or his wife, or for each of his minor children, if members of said tribe; and any member of said tribe found in such possession of lands or having the same in any manner inclosed, after the expiration of ninety days after the date of the ratification of this act shall be deemed guilty of a misdemeanor."

Immense fortunes have been made in the past by citizen Cherokees through taking advantage of the opportunities to inclose large tracts of tribal lands, both for purposes of cropping and herding of cattle. The section quoted refers to this class of excessive holders, which by the act are subject to fine and imprisonment after November 7, 1902, section 19 of the act providing that each day upon which the misdemeanor continues shall be deemed a separate offense.

Divers schemes are resorted to by the excessive holder to evade the law, with more or less success; and it is claimed that even now, although eight months after excessive holding has been declared unlawful, large tracts are held for profit by this class of persons.

The law did not contemplate that the excessive holder should be paid for the improvements on the land after ninety days from the ratification of the act, since he had many times over been reimbursed by way of large profits for the use of the same. By delay or lax methods opportunities have been given these excessive holders to make sale of the improvements, and it is stated that the Dawes Commission will not even now permit filings to be made on the excessive holdings unless by arrangement with the holder thereof. The larger number of the Cherokees are not able to pay the prices asked for improvements that, under the law, should be free for them to file upon without pay. It seems apparent that the right of the excessive holders should have been determined at the earliest possible moment, so that opportunity would have been given all members of the tribe to file on this class of lands, which as a rule are the better quality. To be sure, contest may be instituted by any member against the excessive holder, but these afford scanty relief for the poverty-stricken Indian, ignorant of business methods.

Mention has been made of the interest of the trust companies in dealing in Indian lands. These companies have been organized by the score and cover every field of the Five Tribes open for investment. They are the chief manipulators in Indian lands, either in leasing, subleasing, and (before the recent ruling of the Secretary of the Interior) purchasing of Creek lands. These trust and development companies are the available avenue for the influential excessive holder to retain the use of his lands in evasion of the law. The companies employ men well equipped for field work. These (often in collusion with excessive holders) buy out the latter's rights, and usually bring to the land office of the Dawes Commission ignorant members of the tribes and see that they make proper filing thereon. A lease covering five years for agricultural purposes is executed at the time in favor of the company or to the middleman who operates in their interests.

The Indian who thus files on his allotment usually pays for the improvements by turning over the rents and profits on the land to the trust company, so that during the term of the lease the allottee receives but little or no benefit from the lands, while the excessive holder has in turn retained possession for another five years. Others well versed in the mode of securing Indians for the purpose of filing bring them in from remote districts and turn them over to the companies for the best figure obtainable, according to the demand and the shrewdness of the manipulators. On one occasion during my stay in the Territory I was informed that one of these rustlers had brought in thirty Choctaws and Chickasaws, another one twenty-six, and yet a third a less number, to be sold to the Tribal Trust Company at from $20 to $30 per head. The Indian who hesitates to take advantage of the offer is tempted into acquiescence by proffer of sufficient cash in hand to close the deal, and thus transfers all rights to his home for the time the lease is to run; and if the trade included his better lands he will likely become a vagabond among his people, as the tribal relations are now broken up and the surplus tribal lands will no doubt soon be disposed of.

Practically the same tactics are employed by the oil and gas companies in securing leases of oil lands, and the air is rife with scandal in connection therewith. There is this difference, however, the oil lands cover but a limited portion of the reservations.

In the Bartlesville district there is a scramble for oil lands by the principal operating companies, which often results in gross injustice to the Indians. In a case recently reported to the Indian Office by the writer protest was made against the approval of a lease covering the homestead rights of a mother and two minor children. The Indian mother, being ignorant of values, was induced to give up the lands that had been in possession of the family for many years upon being paid $900 each for the three tracts, while the person securing the same received $20,000 from the oil company for his share of the profits. From the fact that the Indian mother was not empowered to act for the minor children in disposing of the real estate it is believed that the transaction will be declared void.

Frequent complaint has been made that the law has been violated in relation to excessive holdings of land. It is claimed that Indians going to the land office would be told that if they would lease their lands to certain persons they would be given choice lands from excessive holdings, or be allowed to file on lands set apart under the twenty-fifth section of the Curtis Act, approved June 28, 1898, and the twenty-third section of the Cherokee agreement, for the benefit of the Delawares. The two acts provided for the segregation of the lands within the Cherokee Nation for the benefit of the Delawares. The Dawes Commission on January 1, 1903, segregated the lands as provided for by law, but after this permitted about two hundred filings to be made thereon by Cherokees, and doubtless would have continued such privileges had not the Delawares brought injunction proceedings and obtained a temporary restraining order against the Secretary of the Interior and the Dawes Commission.

At a later date the Commission seems to have ignored the action previously taken, and recommended to the Secretary of the Interior that steps be "taken to guard against the possibility of the Supreme Court rendering a judgment adopting such schedule as to definite and specific tracts of land to which the Delawares are entitled under their claim," etc. The unusual interest manifested by the Commission in this matter is worthy of consideration, as it is alleged to favor interested parties in securing leases. The lands segregated by the Delawares have proved to be most valuable oil tracts, and it is known that leases are now pending before the Department, executed by Cherokees who have been allowed to file on these identical lands. The ignorant Indian without means—and this class embraces perhaps one-third of the population of the Five Tribes—is practically at the mercy of the trust companies and other dealers in land, since they have no means of traveling long distances, where that is necessary, and providing for their expenses during the long delays at the land office before shown.

The interest of the trust companies being antagonistic to those of the Indians in many ways, it will be interesting to know of their organization, their promoters, and the scope of their powers as authorized by charter. The articles of agreement and incorporation of the Tribal Development Company, of Tishomingo, Ind. T., show that it was organized March 25, 1903, with a capital stock of $100,000 and $12,000 actually paid in. Guy P. Cobb, who held the position of internal-revenue inspector for the Indian Territory, is the largest stockholder. P. L. Soper is also a large stockholder and vice-president of the company. Mr. Soper is a United States district attorney for the northern district, Indian Territory, whose duty under the law is to prosecute persons having excessive holdings of lands, and to defend the Indians in all suits of law and equity involving title to their lands. P. S. Mosely, governor of the Chickasaw Nation, is also a stockholder. The general nature of the business of the tribal development is to "purchase, own, sell, encumber, lease, sublease, and exchange real estate, and to act as agent and certify abstract of title," etc.

The Muskogee Title and Trust Company was organized February 24, 1903, and is authorized to transact a general banking business, and in addition may "buy, sell, and lease lands and buy and sell stocks and bonds of other corporations," etc. Tams Bixby, chairman of the Dawes Commission, is a stockholder and vice-president of the concern. J. George Wright, Indian inspector in charge of the Indian Territory, is one of the directors of the company.

The Canadian Valley Trust Company, of Muskogee, Ind. T., was organized February 25, 1903, and is authorized by its charter to "buy, rent, sell, lease, and mortgage real estate" and conduct a general banking business. Tams Bixby is a stockholder and president of this trust company. G. W. Hopkins, chief law clerk for the Dawes Commission, resigned that post, it is stated, to accept an important position with this company, as did also P. G. Reuter, clerk in charge of the land office under the Commission.

International Banking Trust Company, organized February 4, 1903, with its main office at Vinita, Ind. T., has the same general powers to "buy, sell, and mortgage real estate and personal property." Thomas B. Needles, a member of the Dawes Commission, is vice-president and director of this company. Charles A. Davidson, clerk of the United States court, Vinita, Ind. T., is also a director. James H. Hucklebery, assistant United States attorney, northern district, Indian Territory, is stated to be attorney for this trust company, and James H. Hucklebery, jr., is given as one of the stockholders in a prospectus issued by the same company. C. R. Breckenridge, a member of the Dawes Commission, is also credited as being interested as a stockholder, either directly or indirectly, in Eufaula Trust Company, Eufaula, Ind. T. Tams Bixby is understood to have been owner of real estate in various sections of the Indian Territory—Fort Gibson, Tahlequah, Tishomingo, and Sulphur Springs among the others.

P. L. Soper, United States district attorney, in addition to being a stockholder in the Tribal Development Company, as already shown, is stated to be a stockholder in and attorney for the Cherokee Oil and Gas Company, which is operating in the Indian Territory, with original charter rights granted in Arkansas. He is also stated to be a general counsel for the St. Louis and San Francisco Railroad Company for the Indian Territory, whose interests frequently conflict with those of the Indians. The following from the Weekly Examiner, of Bartlesville, Ind. T., issue of July 11, 1903, shows that Mr. Soper is interested in still another company dealing in Indian lands:

"The oil company with which it seems District Attorney Soper is identified is the Indian Territory Development Company, a corporation which has secured a big block of a most promising oil territory in the Bartlesville field and which holds extremely valuable coal and zinc lands in the Cherokee Nation."

There are rumors afloat to the effect that Federal officers in the Indian Territory are financially interested in other transactions that would seem to preclude them from retaining their positions under the Indian Department.

With the information in possession of the various officers of the Government employed in the Indian Territory it is clear that they possess a great advantage over others in pressing any business with which they may have an interest, either through a trust company or otherwise. The prestige they have with the Indian and others, by reason of their official relations, is very important. The same caution should govern the management of the affairs of the Five Civilized Tribes as in private business transactions.

Very respectfully,

S. M. BROSIUS,
Agent Indian Rights Association.

Mr. Chairman, the above report shows that Mr. J. George Wright and Mr. Cobb and three members of the Dawes Commission and other United States officials have been members of tribal development companies, not so much, I imagine, to develop the Indians as to develop and enlarge their own pocketbooks by dealing in Indian lands and improvements. For the purpose of showing the objects and purposes of these development companies I will read a letter signed by Guy P. Cobb, and sent to Mrs. Emma Black, at Marrietta, Ind. T. It is as follows:

TRIBAL DEVELOPMENT COMPANY (INCORPORATED).

CAPITAL, $100,000.

INDIAN TERRITORY INVESTMENTS.

[P. S. Moseley, president; P. L. Soper, vice-president; Guy P. Cobb, treasurer and general manager; G. W. Burris, secretary; G. W. Burris, Guy P. Cobb, B. H. Colbert, W. C. Gunn, R. M. Harris, Jesse L. Jordan, P. S. Moseley, W. C. Perry, Kirby Purdom, P. L. Soper, S. L. Williams, directors.]

TISHOMINGO, IND. T., *April 9, 1903.*

MRS. EMMA BLACK, *Marietta, Ind. T.*

DEAR MADAM: We have entered into contracts with a large number of Indian citizens who have been unable to secure suitable lands upon which to make the selection of their allotments, and desire to secure a large quantity of land for their use. Part of these citizens desire to select pasture lands and part are desirous of securing farm lands. We are prepared to make or consider propositions to secure such land by buying outright the improvements thereon, together with the right of occupancy and improvements, by allowing the present owner the use and benefit of such lands for a limited period, or we will contract to act as agent, making contracts between the owner of the improvements and the Indian selecting the land.

If you are in position where we can be of service to you, we will be pleased to enter into negotiations. If you are not, we would esteem it a favor to be placed in correspondence with any person in your vicinity who is unable to hold the land they now occupy or desire to dispose of the same for any other reason.

If you make us a proposition, give location and description of land and improvements, together with terms, so that we may act without delay.

Very respectfully,

TRIBAL DEVELOPMENT CO.,
Per GUY P. COBB,
Treasurer and General Manager.

Now, Mr. Chairman, I hope that this letter and Mr. Brosius's report makes it clear that Mr. Cobb and Mr. Wright are not proper men to spend $15,000 of Government funds for the purpose of enabling them to dispossess anyone of Indian lands, and this amendment offered by me will deprive these gentlemen of a chance to use Government funds for the purpose of making money for their Tribal Development Company.

Mr. HEMENWAY. Now, Mr. Chairman, I ask unanimous consent to return to page 3, line 6.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to return to page 3, line 6. Is there objection? [After a pause.] The Chair hears none.

Mr. HEMENWAY. Now, Mr. Chairman, I move to strike out in line 6 the words "five hundred;" so that it will read "$2,000 per annum."

The Clerk read as follows:

In line 6, page 3, strike out the words "five hundred;" so that it will read "at the rate of $2,000 per annum."

Mr. HEMENWAY. I will say that in the diplomatic bill the salary is fixed at $2,000, and we desire to fix the same salary in this bill.

The amendment was considered and agreed to.

Mr. HEMENWAY. Now, in lines 8 and 9, in lieu of the sum now inserted there, I move to insert the sum of "$6,301.29."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In lines 8 and 9, correct the total so that it will read "$6,301.29."

The amendment was agreed to.

Mr. HEMENWAY. Now, Mr. Chairman, I move that the committee do rise and report the bill and amendments to the House with the recommendation that the bill as amended do pass.

The motion was agreed to; and accordingly the committee rose, and the Speaker having resumed the chair, Mr. TAWNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10954, the urgent deficiency appropriation bill, and had directed him to report the same back to the House with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendments? If not, they will be considered in gross.

The amendments were considered and agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. HEMENWAY, a motion to reconsider the last vote was laid on the table.

STATUE OF JAMES MARQUETTE.

Mr. OTJEN. Mr. Speaker, I ask unanimous consent for the present consideration of concurrent resolution No. 38.

The Clerk read as follows:

Concurrent resolution No. 38.

Resolved by the House of Representatives (the Senate concurring), That the thanks of Congress be given to the people of Wisconsin for the statue of James Marquette, the renowned missionary and explorer.

Resolved, That the statue be accepted, to remain in the national Statuary Hall, in the Capitol of the nation, and that a copy of these resolutions, signed by the presiding officers of the House of Representatives and Senate, be forwarded to his excellency the governor of the State of Wisconsin.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LIVINGSTON. Mr. Speaker, I would like to ask the gentleman from Wisconsin if this is the usual course?

Mr. OTJEN. This is the usual form of the resolution.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The resolution was considered and agreed to.

On motion of Mr. OTJEN, a motion to reconsider the last vote was laid on the table.

HISTORY OF CONSTRUCTION OF UNITED STATES CAPITOL BUILDING.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent to submit, as a report from commission to acquire site for and direct and supervise construction of the office building for the House of Representatives, documentary history of the construction and development of the United States Capitol building and grounds. And I ask that the same be printed, together with accompanying illustrations, and laid on the table.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none, and it is so ordered.

SIOUX TRIBE OF INDIANS, SOUTH DAKOTA.

Mr. BURKE. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from South Dakota demands the regular order, which is the consideration of the bill (H. R. 10418) to ratify and amend an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation and provision to carry the same into effect.

The Clerk read the bill, as follows:

A bill to ratify and amend an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation and provision to carry the same into effect.

Whereas James McLaughlin, United States Indian inspector, did on the 14th day of September, A. D. 1901, make and conclude an agreement with the male adult Indians of the Rosebud Reservation, in the State of South Dakota, which said agreement is in words and figures as follows:

This agreement made and entered into on the 14th day of September, 1901, by and between James McLaughlin, United States Indian inspector, on the part of the United States, and the Sioux tribe of Indians belonging on the Rosebud Reservation, in the State of South Dakota, witnesseth:

ARTICLE I. The said Indians belonging to the Rosebud Reservation, S. Dak., for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Rosebud Indian Reservation now remaining unallotted, situated within the boundaries of Gregory County, S. Dak., described more particularly as follows: Commencing in the middle of the main channel of the Missouri River at the intersection of the south line of Brule County; thence down said middle of the main channel of said river to the intersection of the ninety-ninth degree of west longitude from Greenwich; thence due south to the forty-third parallel of latitude; thence west along said parallel of latitude to its intersection with the tenth guide meridian; thence north along said guide meridian to its intersection with the township line between townships 100 and 101 north; thence east along said township line to the point of beginning, the unallotted land hereby ceded approximating 416,000 acres, lying and being within the boundaries of Gregory County, S. Dak., as said county is at present defined and organized.

ART. II. In consideration of the land ceded, relinquished, and conveyed by Article I of this agreement the United States stipulates and agrees to expend for and pay to said Indians, in the manner hereinafter provided, the sum of $1,040,000.

ART. III. It is agreed that of the amount to be expended for and paid to said Indians, as stipulated in Article II of this agreement, the sum of $250,000 shall be expended in the purchase of stock cattle of native range or graded Texas 2-year-old heifers and graded Durham or Hereford 2-year-old bulls for issue to said Indians, to be distributed as equally as possible among men, women, and children as soon as practicable after the ratification of this agreement, and that the sum of $790,000 shall be paid to said Indians per capita in cash in five annual installments of $158,000 each, the first of which cash payments shall be made within four months after the ratification of this agreement.

ART. IV. It is further agreed that all persons of the Rosebud Indian Reservation, S. Dak., who have been allotted lands and who are now recognized as members of the tribe belonging on said reservation, including mixed-bloods, whether their white blood comes from the paternal or maternal side, and the children born to them, shall enjoy the undisturbed and peaceable possession of their allotted lands, and shall be entitled to all the rights and privileges of the tribe enjoyed by full-blood Indians upon the reservation; and that white men heretofore lawfully intermarried into the tribe and now living with their families upon said reservation shall have the right of residence thereon, not inconsistent with existing statutes.

ART. V. It is understood that nothing in this agreement shall be construed to deprive the said Indians of the Rosebud Reservation, S. Dak., of any benefits to which they are entitled under existing treaties or agreements, not inconsistent with the provisions of this agreement.

ART. VI. This agreement shall take effect and be in force when signed by United States Indian Inspector James McLaughlin and by three-fourths of the male adult Indians parties hereto and when accepted and ratified by the Congress of the United States.

In witness whereof the said James McLaughlin, United States Indian inspector, on the part of the United States, and the male adult Indians belonging on the Rosebud Reservation, S. Dak., have hereunto set their hands and seals at Rosebud Indian Agency, S. Dak., this 14th day of September, A. D. 1901.

JAMES MCLAUGHLIN,
United States Indian Inspector.

No.	Name.	Mark.	Age.
1	He Dog	x	65
2	High Hawk	x	50
3	Black Bird	x	62
	(and 1,028 more Indian signatures.)		

We, the undersigned, hereby certify that the foregoing agreement was fully explained by us in open council to the Indians of the Rosebud Agency, S. Dak.; that it was fully understood by them before signing, and that the foregoing signatures, though names are similar in some cases, represent different individuals in each instance, as indicated by their respective ages.

WILLIAM BORDEAUX, *Official Interpreter.*
WM. F. SCHMIDT, *Special Interpreter.*

ROSEBUD AGENCY, S. DAK., *October 4, 1901.*

We, the undersigned, do hereby certify that we witnessed the signatures of James McLaughlin, United States Indian inspector, and the 1,031 Indians of the Rosebud Agency, S. Dak., to the foregoing agreement.

FRANK MULLEN,
Agency Clerk.
C. H. BENNETT,
Farmer, Cut Meat District.
JOHN SULLIVAN,
Farmer, Black Pipe District.
FRANK ROBINSON,
Farmer, Little White River District.
FRANK SYPAL,
Farmer, Butte Creek District.
ISAAC BETTELYOUN,
Farmer, Big White River District.
JAMES A. MCCORKLE,
Farmer, Ponca District.
LOUIS BORDEAUX,
Ex-Farmer, Agency District.

ROSEBUD AGENCY, S. DAK., *October 4, 1901.*

I certify that the total number of male adult Indians over 18 years of age belonging on the Rosebud Reservation, S. Dak., is 1,359, of whom 1,031 have signed the foregoing agreement, being 12 more than three-fourths of the male adult Indians of the Rosebud Reservation, S. Dak.

CHAS. E. MCCHESNEY,
United States Indian Agent.

ROSEBUD AGENCY, S. DAK., *October 4, 1901.*

Therefore,

Be it enacted, etc., That the said agreement be, and the same hereby is, accepted, ratified, and confirmed as herein amended and modified, as follows:

"ARTICLE I. The said Indians belonging on the Rosebud Reservation, S. Dak., for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Rosebud Indian Reservation now remaining unallotted, situated within the boundaries of Gregory County, S. Dak., described more particularly as follows: Commencing in the middle of the main channel of the Missouri River at the intersection of the south line of Brule County; thence down said middle of the main channel of said river to the intersection of the ninety-ninth degree of west longitude from Greenwich; thence due south to the forty-third parallel of latitude; thence west along said parallel of latitude to its intersection with the tenth guide meridian; thence north along said guide meridian to its intersection with the township line between townships 100 and 101 north; thence east along said township line to the point of beginning, the unallotted land hereby ceded approximating 416,000 acres, lying and being within the boundaries of Gregory County, S. Dak., as said county is at present defined and organized.

"ART. II. In consideration of the land ceded, relinquished, and conveyed by article 1 of this agreement, the United States stipulates and agrees to dispose of the same to settlers under the provision of the homestead and town-site laws, except sections 16 and 36, or an equivalent of two sections in each township, and to pay to said Indians the proceeds derived from the sale of said lands; and also the United States stipulates and agrees to pay for sections 16 and 36, or an equivalent of two sections in each township, $2.50 per acre.

"ART. III. It is agreed that of the amount to be derived from the sale of said lands to be paid to said Indians, as stipulated in article 2 of this agreement, the sum of $250,000 shall be expended in the purchase of stock cattle, of native range or graded Texas 2-year-old heifers and graded Durham or Hereford 2-year-old bulls, for issue to said Indians, to be distributed as equally as possible among men, women, and children, but not more than one-half of the money received in any one year shall be expended as aforesaid, and the other half shall be paid to said Indians per capita in cash, and an accounting, settlement, and payment shall be made in the month of October in each year until the lands are fully paid for and the funds distributed in accordance with this agreement: *Provided, however*, That not more than $500,000 shall be expended or paid within two years after the ratification of this agreement, and not to exceed $150,000 in each of the following years until the expiration of five years.

"ART. IV. It is further agreed that all persons of the Rosebud Indian Reservation, S. Dak., who have been allotted lands and who are now recognized as members of the tribe belonging on said reservation, including mixed-bloods, whether their white blood comes from the paternal or maternal side, and the children born to them, shall enjoy the undisturbed and peaceable possession of their allotted lands, and shall be entitled to all the rights and privileges of the tribe enjoyed by full-blooded Indians upon the reservation; and that white men heretofore lawfully intermarried into the tribe and now living with their families upon said reservation shall have the right of residence thereon, not inconsistent with existing statutes.

"ART. V. It is understood that nothing in this agreement shall be construed to deprive the said Indians of the Rosebud Reservation, S. Dak., of any benefits to which they are entitled under existing treaties or agreements, not inconsistent with the provisions of this agreement."

SEC. 2. That the lands ceded to the United States under said agreement, excepting such tracts as may be reserved by the President, not exceeding 398.67 acres in all, for subissue station, Indian day school, one Catholic mission, and two Congregational missions, shall be disposed of under the general provisions of the homestead and town-site laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof; and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish wars, as defined and described in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged: *And provided further*, That the price of said lands shall be as follows: Upon all land entered or filed upon within six months after the same shall be opened for settlement and entry, $3 per acre, to be paid as follows: One dollar per acre when entry is made; 50 cents per acre within two years after entry; 50 cents per acre within three years after entry; 50 cents per acre within four years after entry, and 50 cents per acre within six months after the expiration of five years after entry. After the expiration of six months after the same shall be opened for settlement and entry the price shall be $2.50 per acre, to be paid as follows: Seventy-five cents when entry is made; 50 cents per acre within two years after entry; 50 cents per acre within three years after entry; 50 cents per acre within four years after entry, and 25 cents per acre within six months after the expiration of five years after entry: *Provided*, That in case any entryman fails to make such payment, or any of them, within the time stated all rights in and to the land covered by his or her entry shall at once cease, and any payments theretofore made shall be forfeited, and the entry shall be forfeited and held for cancellation: *And provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the price fixed herein, receiving credit for payments previously made. In addition to the price to be paid for the land, the entryman shall pay the same fees and commissions at the time of commutation or final entry, as now provided by law, where the price of the land is $1.25 per acre: *And provided further*, That all lands herein ceded and opened to settlement under this act, remaining undisposed of at the expiration of four years from the taking effect of this act, shall be sold and disposed of for cash, under rules and regulations to be prescribed by the Secretary of the Interior.

SEC. 3. That the proceeds received from the sale of said lands in conformity with this act shall be paid into the Treasury of the United States, and paid to the Rosebud Indians or expended on their account only as provided in article 3 of said agreement as herein amended.

SEC. 4. That sections 16 and 36 of the lands hereby acquired in each township shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at $2.50 per acre, and the same are hereby granted to the State of South Dakota for such purpose; and in case any of said sections, or parts thereof, of the land in said county of Gregory are lost to said State of South Dakota by reason of allotments thereof to any Indian or Indians, now holding the same, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, in the tract herein ceded, to locate other lands not occupied, which shall be paid for by the United States as herein provided in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement.

SEC. 5. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $90,000, or so much thereof as may be

necessary, to pay for the lands granted to the State of South Dakota, as provided in section 4 of this act.

SEC. 6. That nothing in this act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections 16 and 36 or the equivalent in each township, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received, as herein provided.

During the reading of the bill Mr. FINLEY rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. FINLEY. I believe that we are reading the bill. Is the bill open for amendment?

The SPEAKER. Not while it is being read. It will be open for amendment when the reading is concluded.

The Clerk concluded the reading of the bill.

Mr. BURKE. Mr. Speaker, this bill provides for the opening to settlement of 416,000 acres of land, now a portion of the Rosebud Reservation, in South Dakota, being that portion of the reservation in Gregory County. In 1901 a treaty was entered into with the Rosebud Indians on the part of the United States, by which the Indians agreed to sell to the Government this land for $2.50 per acre. That treaty was transmitted to Congress, and because of the fact that it provided that the Government should pay for the lands outright and then take the chance of the Treasury being reimbursed by disposing of the lands to settlers, it never got further than through the Committee on Indian Affairs, which unanimously reported it favorably. It was never given consideration in the House.

Toward the concluding days of the last session of Congress a new bill was prepared, substantially as this bill now provides, and that bill provided that the lands should be ceded by the Indians to the Government, disposed of to settlers under the provisions of the homestead law, the price to be fixed at $2.50 an acre, as was provided in the original treaty. That bill did not receive consideration in the last Congress because of lack of time, but during the summer that bill was submitted to this tribe of Indians for their acceptance, and forty-eight more than a majority consented to accept the terms of that bill. This bill is substantially the same as the bill which I have just referred to, except that the committee, in view of a suggestion made by the Commissioner of Indian Affairs, in which he said he had no objection to the passage of this bill provided the Indians were insured of as much money as they would have received under the treaty, instead of fixing the price at $2.75, which was provided in the bill submitted to the Indians during the summer, fixed the price at $3 per acre for all lands taken within the first six months and $2.50 for all lands taken thereafter.

It was thought by the committee that this would certainly insure to the Indians as much money as they would have received under the original treaty, and, in my judgment, it insures their receiving considerably more. There is no opposition to the passage of this measure, so far as I know. The Indian Bureau and the Secretary of the Interior have both approved it, providing we fix a price, as we have done, that will insure the Indians as much money as they would have received under the original treaty. The Committee on Indian Affairs has considered it fully and at length and has spent several meetings of the full committee considering it. The report of the committee is unanimous. I do not care to occupy the attention of the House in making any extended remarks on the bill, and unless some gentleman desires to ask some questions I will reserve the balance of my time.

Mr. FINLEY. Mr. Speaker, I observe that in section 4, reserving school lands, it is provided that the Government pay for those lands. Is that the usual appropriation that is put in all bills of this character?

Mr. BURKE. I am glad the gentleman has asked me that question. I would state that under the enabling act under which the State of South Dakota was admitted to the Union it was provided that sections 16 and 36 in said State should be reserved for the use of the common schools of that State, and it further provided that as to the lands within an Indian reservation the provisions of that grant would not become operative until the reservation was extinguished and the land restored to the public domain. That enabling act was passed by Congress on the 22d day of February, 1889. In March of that same year Congress ratified a treaty with the Sioux Indians in South Dakota for the cession of something like ten or eleven millions of acres of land, and made an express appropriation, in accordance with the provisions of the enabling act, to pay outright out of the Treasury the money for sections 16 and 36 of that land at the price stipulated for in the treaty.

Mr. FINLEY. Then, as I understand the gentleman, he bases the wisdom or equity for this provision upon the enabling act admitting South Dakota into the Union?

Mr. BURKE. Yes.

Mr. FINLEY. And not otherwise?

Mr. BURKE. No.

Mr. FINLEY. What is the number of acres of land that have been granted by the National Government to the State of South Dakota for school purposes heretofore?

Mr. BURKE. Sections 16 and 36.

Mr. FINLEY. About how many acres does it amount to?

Mr. BURKE. I could not state.

Mr. FINLEY. The State is quite rich in school lands, is it not?

Mr. BURKE. Yes.

Mr. FINLEY. About what amount of money will be required from the Treasury of the United States to pay for the school lands provided for here in section 4?

Mr. BURKE. Not to exceed about $70,000—I think $72,000 or $73,000. I am going to ask to amend the bill by striking out "$90,000" and inserting "$75,000." The actual amount, I think, will be about $72,000, as nearly as I can calculate.

Mr. Speaker, I reserve the balance of my time and yield ten minutes to the gentleman from New York [Mr. BAKER].

Mr. BAKER. Oh, make it fifteen.

Mr. BURKE. I hope the gentleman will be satisfied with ten minutes. We want to get through the bill as quickly as possible.

Mr. BAKER. Mr. Speaker, I recognize that it will make little difference when the vote on this bill is taken whether I speak for five or fifteen minutes. Yet, Mr. Speaker, because this bill involves what seems to me a violation of the principle which should obtain with reference to the ownership of land, because it violates the principle which, in my judgment, should obtain in opening public land for settlement, I desire to enter my protest against the bill on those grounds.

I regret very much, Mr. Speaker, that I did not know until a few moments ago that this bill was to be discussed to-day. I should very much have liked a short time, if but an hour, to send for some data to bring to the attention of the House, so as to amplify the few remarks I shall now have to make spontaneously.

Mr. Speaker, what is it that this bill proposes to do? From the standpoint from which I shall discuss the bill we can eliminate the Indians from the discussion. I am not going to raise the question here now as to what the Indians should or should not receive. That is not the point; the point is what is to become of that land when it comes into the possession of the United States and the ownership becomes vested in the people as a whole.

The bill, as its author has just stated, simply carries out a policy which has obtained in the past. Is that not so?

Mr. BURKE. Yes, sir.

Mr. BAKER. Now, Mr. Speaker, that policy to my mind is a fatally defective policy—a policy which in a large measure is responsible for the economic conditions that exist in the United States to-day. I know that my friends on the other side will say that the economic conditions in this country were never more prosperous than they are now. Let us concede for the sake of argument that is so; that they are more prosperous than they ever were; yet that does not alter my judgment that they would have been infinitely more prosperous than they are, infinitely more prosperous than they have ever been, but for the fact that the United States have followed this fatally defective policy and have permitted the alienation of its public lands. They have permitted individuals to purchase the land, and no matter how low the price at which they bought the title the increased value which comes as the result of generations of development, generations of energy applied by the people as a result of the influx of an enormous population—aside from the natural growth—whatever the cause of the increase of value, goes into the private pocket of the individual who was fortunate enough, you say shrewd enough, quick-witted enough, or anything else you may choose to call it, to get there a little ahead of somebody else and (by original entry in many cases) obtained it for nothing or for a mere song, a price that may have been the real value at the time of the purchase, but which represents a ridiculously small proportion of the value which has subsequently attached to that land as a result of population coming there.

Now, in what particular does this policy violate what should in my judgment be the policy of the United States? It violates it in this way: It says to the individual who is shrewd enough to go there and arrives a day, a month, or a year ahead of somebody else—I care not what the period of time may be—he shall have the exclusive "ownership" of that land; he shall enjoy all the value which subsequently attaches, no matter what causes that increase of value.

In other words, you are by this and similar bills perpetuating—you are offering a premium to engage in land speculation in the United States, and land speculation is the curse of this country, as it has been the curse of every civilized country in the world.

The evil results which have followed the existing systems of entry and purchase of public lands are clearly illustrated in an article by J. L. McCreery, of this city, entitled "Our system of distributing the public lands."

In illustrating some of the fraudulent methods employed, which no doubt in the main are due to the fact that the present system offers great premiums in the shape of whatever increment of value may subsequently attach to land by reason of increase of population, etc., he says:

Let us suppose (to invent a name) that the New York and Nebraska Land and Cattle Company start in business in the far West. It has in its employ 100 "cowboys." The fertile valley of a stream is selected for its operations. At the instance of the manager of the company each of the cowboys files a preemption declaratory statement for a quarter-section (160 acres) of land. The land is selected in such a form as to cover as much space as possible up and down the stream. One man's four 40-acre in a "string" can often be made to cover a mile of the water course; sometimes not more than three-fourths of a mile. A hundred entrymen can thus take in 75 miles of the stream—the richest part of the valley.

The preemption law requires that a person purchasing land thereunder must prove that he has inhabited and improved such land. It does not say how long he must have done so. The General Land Office has supplied this omission and carried into effect what it conceives to be the spirit and purpose of the law by establishing a rule that such residence and improvement must have continued for at least six months, in order to afford a presumption that the settler is acting in good faith. So a few days after the expiration of six months from the date of the entry the cowboys, in "squads," appear at the local land office and "prove up." It is not necessary to have erected a dwelling house upon and improved the land if the entryman and his two witnesses have sufficiently elastic consciences. A has for witnesses B and C; B has for witnesses A and C; C has for witnesses A and B. The land is paid for in cash, which the company furnishes. The cowboys step over to the nearest lawyer's office, or more likely the company has its own lawyer, and deed every acre of land to the company.

Having exhausted their right under the preemption law, they forthwith proceed to enter as much more land under the homestead law. At the end of six months they pay (with money furnished by the company) for the land under the commutation provision of the homestead law, and at once transfer it to the company.

But the end is not yet. True, the preemption act and the homestead act each provides that no person shall have the benefit thereof more than once. But at this stage of the proceedings the cowboy that last year made preemption and homestead entry of certain land under the name of John Brown now makes entry of another quarter under the name of Nicholas Yost; Frank Smith becomes Theophilus Baxter; Henry Jones becomes Philip Lingenfelter; and seven months later the syndicate obtains possession of 30,000 acres more of the best land in the State.

And by and by the immigration of honest settlers begins. They push into this region only to find that all the land worth having up and down that water course for a hundred miles has passed into the hands of this land syndicate. There is, at a moderate estimate, a space of 10 miles on each side of this stream and whatever tributaries run into it—20 miles in width by a hundred miles in length, covering an area of 2,000 square miles—in which no bona fide settler can find a foot of water front.

Why do men engage in these gigantic land frauds? Is it conceivable that they would do this, that such practices would be engaged in, if the leasing system obtained, if they knew that no matter what the increase in the value of the land its annual rental would increase in like proportion? Certainly not! They do this, they are willing to blacken their own souls because of the great prizes offered them, for the possibility of a large increase in the value of the land, which at some time in the future they will be able to squeeze out of the genuine settler, the man who is really looking for a quarter section of land upon which to build a home and rear a family. Periodical appraisements at brief intervals would destroy this form of land speculation and all the fraud which attaches to it.

The methods which Mr. McCreery cites are no doubt largely responsible for the existence of enormous land holdings by companies and individuals. Every schoolboy knows the enormous increasing power of accumulated capital. As these large estates increase in size and number, the greater will be their power to absorb the smaller farms adjoining them. Our farms of 500 acres and over would now cover an area more than five times the size of the great State of Indiana, with its 2,000,000 and over inhabitants. That is to say, about 115,940 men own a vast area of about 126,000,000 acres of the best farming land in the world, and which should be divided among 10,000,000 people, and which is capable of giving support, self-employment, homes, and happiness to that vast number of people. And when we consider the further awful fact that about one-half of this vast expanse of 126,000,000 acres of land, which within the memory of men still living was parceled out by our Government to our citizens in small farms, is now at this early day absorbed by and owned by 31,546 men and corporations, the situation is still more alarming. In one of his speeches Daniel Webster once said: "A free government can not long endure where the tendency of laws is to concentrate the wealth of the country in the hands of a few, and to render the masses poor and dependent." In the light of the above facts, can there be any doubt as to the tendency of our present land laws, and that radical changes in our land laws are absolutely necessary?

Tho extent of many of these large estates is simply astounding, as is shown by the following list of a very few of the large land owners of this country:

	Acres.
Col. D. C. Murphy	4,068,000
Texas State Fund Association (owned by four men)	3,000,000
The Standard Oil Company	1,000,000
John W. Dwight, a farmer in North Dakota (nearly as large as Rhode Island)	704,000
Ex-Senator Dorsey	500,000
E. C. Sprague	500,000
Miller & Lux (San Francisco)	450,000
Mr. McLaughlin, of California	400,000
William A. Chapman	350,000
New York syndicate	300,000
Surveyor-General Beals	300,000
Texas Land and Cattle Company	240,000
Bixby, Flint & Co	200,000
Thomas Fowler	200,000
Abel Stearnes	200,000
The Murphy family, of California	156,000
G. W. Roberts	140,000
Virginia Coal and Iron Company	100,000

But a still more alarming feature lies in the enormous alien ownership of our land. In addition to the numerous smaller alien holdings here, fifty-six foreign persons and corporations own more than 26,000,000 acres of our land—an area equal to that of the great States of Ohio, Kentucky, or Virginia. The enormous size of some of these holdings of land in this country by foreigners may be seen by the following partial list:

	Acres.
Baron Tweeddale	1,750,000
Byron H. Evans	700,000
M. Ellerhousen	600,000
Robert Tenant	530,000
Duke of Sutherland	422,000
W. Whaley, M. D	310,000
Duke of Northumberland	191,460
Duke of Devonshire	148,626
Earl of Cleveland	106,650
Lord Dunmore	120,000
Benjamin Neugas	100,000
Earl of Carlisle	78,540
Sir W. W. Win	91,612
Duke of Rutland	70,039
Lord Houghton	60,000
Lord Dunraven	60,000
Duke of Bedford	51,085
Earl of Brownlow	57,799
Earl of Derby	56,698
Earl of Cawdor	51,538
Lord of Londonsboro	52,655
Duke of Portland	55,259
Earl of Powls	46,095
Lady Willoughby	59,312
Earl of Yarborough	54,570

And there are hundreds of smaller foreign holdings of from 500 acres up.

The ownership of our land by foreign land syndicates is also simply astounding. A Dutch syndicate owns 4,500,000 acres of our land in New Mexico and adjoining Territories. Another Dutch syndicate owns 3,000,000 acres in Texas. An English syndicate owns 1,800.000 acres in Mississippi. A Scotch syndicate owns 500,000 acres in Florida.

Now, Mr. Speaker, it is impossible for me to do anything more than call attention to the foundation principle; but let me ask what has followed the violation of that principle and what should be the policy of the United States toward the few remaining million acres of land that it controls? No land should be finally alienated or given into absolute permanent private possession.

The beneficent results which would follow the adoption of the leasing policy instead of outright sale with our remaining public lands are clearly set forth in an address by Frederick S. Elder, professor of mathematics at the Oklahoma University, before the Oklahoma bar at Guthrie, January 6, from which I quote as follows:

DEFENSE OF A LEASING POLICY.

Mr. Chairman, Members of the Oklahoma Bar Association, and Citizens of Oklahoma: Two million fifty-six thousand acres is the measure of Oklahoma's present public-land endowment, and since seventeen-twentieths of this is expressly reserved for the support of education I shall feel justified in referring to the entire grant as the school lands of Oklahoma.

Eighteen months ago the lessees in Territorial convention passed and published resolutions to force the sale of these lands to themselves as "raw lands," and declared, with a vigor calculated to strike terror to the stoutest-hearted politician, "We pledge ourselves to the support of such men to the Territorial legislature as will do all in their power to bring the school lands on the market in accordance with the above resolutions." And it may be that with this threat in mind the State Capital, not without knowledge of the subtle operations of legislatures, was recently moved to cry out: "Who does not believe that they (the lessees) would control the first legislature and create a legislature that would sell the lands?"

It will be noted that those who desire to gobble Oklahoma's public lands threaten political annihilation to all who dare oppose their outright sale. It is the same old story again. Any man who dare oppose the demands of the shrewd and powerful, who insists that in the treatment of this question, as of any other question, that the interests of the whole people should determine are met with the organized opposition of those who seek to live in the sweat of other men's brows, are threatened with political annihilation if they dare assert the equal right of all men to use the earth.

Turning back a few pages of history to discover what blunders Oklahoma should avoid, we find Ohio's grant of a million and a half acres, with no constitutional protection, becoming the prize of organized plunder. One lot of 10,000 acres went into perpetual lease at 12 cents per acre. The university endowment of two townships, 46,080 acres of the choicest lands of the State,

is under perpetual lease at less than 10 cents an acre, and a third township of 23,040 acres is under perpetual lease at less than 25 cents per acre. Thousands of acres were sold for 50, 25, and 10 cents per acre.

Of course, a perpetual lease is equally as bad and in effect amounts to an outright sale. What Mr. Elder contends for, and which I also contend for upon this floor, is for a lease for a brief period of years with a reappraisement in the case of such land as is involved in this bill (remote, I assume, from present civilization) every fifth year.

That this system is entirely feasible, despite the implied criticism of my friend from Iowa, is shown in the figures which Mr. Elder quotes of the income which Oklahoma has received from its public lands.

Total net income from leasing Oklahoma's public lands for fiscal years ending June 30—

1891	$4,536.82
1892	21,346.13
1893	19,164.67
1894	46,586.29
1895	88,627.97
1896	71,740.68
1897	98,467.81
1898	173,442.83
1899	133,047.19
1900	177,190.24
1901	213,203.67
1902	247,608.61
1902, cash bonus above rental in western counties	188,307.24
1903	323,245.60

Not a cent of this income raised by taxation but as a just equivalent for the valuable privilege of raising crops and making a living without having first to invest a fortune in a farm, and, contrary to the idea of any hardship having been worked upon the occupant, his great advantage over his landowning neighbor is shown in the report of ex-Secretary Huston for 1902, where he says (p. 21): "Computing the interest on the value of similar lands at 7 per cent and adding the usual taxes, the investment of the landowner will be found to be two or three times the rental according to the last appraisement."

It will be noted that Mr. Elder calls the rental paid by the lessees "a just equivalent for the valuable privilege of raising crops and making a living without having first to invest a fortune in a farm." Of course he here uses the customary terminology, which shows how far we have strayed from correct principles, that even a gentleman like Mr. Elder, when advocating the leasing system, speaks of it as a "valuable privilege," because under the lease system "it is not necessary first to invest a fortune in a farm." If the lease system had obtained from the first, no such idea could have grown up. It is only because we have followed the fatal, aye wicked, policy of England and European countries, that anyone considers it a "valuable privilege" to be able to use land without first paying in as the purchase price a twenty-year capitalization of its rental value.

But perhaps the best illustration of the advantage of the leasing system is shown in his citation of the school lands of Chicago. He says:

The school lands of Illinois afford us the best illustration to be had of the surpassing advantages to the State of a system of leasing, of the manner in which a land endowment increases in value proportionately with the growth of population and of the necessity for a periodic revaluation of the land. I refer to the school lands located in the city of Chicago. The heart of the city from Madison street south to Twelfth and from State street west to Halsted was one school section, No. 16. Here is where the twelve and sixteen story buildings stand. Here you find the post-office, the Rookery, the Board of Trade, the Women's Temple, and scores of others like them. By some strange fortune hardly understood a block at State and Madison streets was reserved from sale with certain other sundry lots. These, with a few more tracts acquired later, are held to-day by the Chicago board of education and the ground rent, amounting to half a million dollars annually, is being turned into the school fund for the payment of teachers' salaries.

The leases are for fifty or a hundred years. The ground alone is leased and the lessees put up their own buildings, costing hundreds of thousands of dollars. Of these the Chicago Tribune pays $30,000 a year for one-fifth of an acre, the McVicker Theater $27,000 for thirty-six hundredths of an acre, Joseph E. Otis $25,000 for eighty-eight thousandths of an acre, this last being at the yearly rate of $289,115 per acre, and so on for others. Yet nobody is wronged. It is a plain business proposition. No sane man pays more rent than he ought.

Neither is the community nor any individual wronged any more by the payment by the Chicago Tribune of $30,000 into the school board treasury than by the payment by the Women's Temple Company of $40,000 a year into the private pocket of Mr. Marshall Field for the use of lots that were once a part of that same original section 16.

How fatally defective the sale policy has been is clearly illustrated in two of the cases he cites, namely, the payment by the Chicago Tribune of $30,000 into the school board treasury and the payment by the Woman's Temple Company of $40,000 a year into the private pocket of Mr. Marshall Field. When Mr. Field uses a part of the immense income which he is deriving from his ownership of a part of the original school lands of Chicago and builds a library therewith, we are invited to laud him as a public-spirited citizen. How much better it would have been for that city if, instead of alienating the larger part of its school lands, it had retained the unearned increment by leasing them, as in the case of the land beneath the Rookery and the Chicago Tribune buildings. If this had been done Chicago would not have to wait upon the "philanthropy" of any of its citizens, but would have an ever-increasing fund, which it could apply not merely to the erection of libraries and for the maintenance of its schools, but for every other communal purpose. Of course, it would not then have these ostentatious gifts of libraries or museums, but neither would it have its fearful contrasts which are directly due and are inseparable from this system of alienating the public lands, viz, the existence on the one hand of the multimillionaire and on the other of hundreds of thousands who are practically paupers.

Even South Dakota has 1,531,900 acres of land under lease, or nearly four times the amount involved in this bill, so that I am warranted in assuming that the leasing system possesses no insuperable obstacles and is workable even in that State.

One of the most vivid illustrations of the result which follows the outright sale of public lands is cited by Mr. Elder in the case of the school lands in Blair County, Tex., which were sold at $3 an acre on forty years' time at 4 per cent, now yielding the State of Texas 12 cents per acre, while the present owners are able to pocket the difference between 12 cents and three to four dollars per acre which they secure as rental from sublessees.

That the present system results in the creation of a large number of tenant farmers the census report clearly shows, but whereas the leasing system would result in the people, as a whole, obtaining the benefit of whatever increment of value might attach to these public lands as a result of increase of population, improvements in government, increase of transportation facilities, or from any other cause, the existing system results in this increment of value going into private pockets and in the building up of great private fortunes.

The census reports show in these agricultural States the following percentage of tenant farms:

State.	1880.	1890.	1900.
Ohio	19.3	22.9	27.5
Indiana	23.7	25.4	28.6
Illinois	31.4	34.0	39.3
Iowa	23.8	28.1	34.9
Kansas	16.3	28.2	35.2
Nebraska	18.0	24.7	36.9
Georgia	44.0	53.5	59.9
Alabama	46.8	48.6	57.7
Mississippi	43.8	52.8	62.4
Louisiana	35.2	44.4	58.0
Texas	37.6	41.9	45.7
Entire United States	25.6	28.4	35.3

More than one farm in three throughout the entire United States is a tenant farm.

As Mr. Elder well says, the Territory in which he lives, Oklahoma, will not avoid a tenant system by selling its land. It is rather a question as to who shall be the landlord and to whom shall be paid the ever-augmented rent which increase of population, etc., creates, whether it shall be paid to a State or Territory or to private individuals.

Mr. Speaker, by this bill you say to the individual, as has been said for generations in the past, that he who is smart enough, cunning enough, or shrewd enough to forestall the possible development of that community shall reap the enormous advantage that comes thereby; but that is not all. That is bad enough. It is bad enough that by such a policy you create the Astors, for instance, who are now receiving an annual rental value from land in the city of New York a hundred times in excess of the purchase price that John Jacob Astor paid for that land.

It is bad enough that by this act you are creating millionaires and multimillionaires, because I want to say that, with very few exceptions, such as tariff bounties and patents, you can trace the enormous wealth of the plutocrats of this country to the fact that they have been permitted to monopolize extremely valuable lands. It is not alone the land in the great cities that is valuable and that creates millionaires, but these narrow strips of land which are called rights of way, running from New York to Buffalo, New York to Chicago and San Francisco, New York to New Orleans, from Chicago to New Orleans, and everywhere else over this country, these rights of way monopolized by private individuals are extremely valuable and are the basis upon which the enormous capitalizations of the great railroads are founded. The enormous mass of "water" in their securities simply represents legalized power to exact tribute from the people and creates the millionaire and the multimillionaire in the United States, as it has created the millionaire in every other country in the world.

WATER IN RAILROAD STOCKS.

How large a proportion of the stocks and bonds of the railroads of the United States is water—i. e., represents no tangible assets, but merely the capitalization of tribute—is indicated in the statement made to me on more than one occasion by a gentleman who

was one of the great railroad lawyers of the country, Thomas G. Shearman, who had not only been attorney for some of the great railroad systems—among others, for James J. Hill, of the Great Northern—but at the time of his death was counsel of that great Rockefeller institution, the National City Bank. Mr. Shearman repeatedly said, "that neither the preferred nor the common stock of the railroads of this country represented any actual investment of capital (if we exclude money paid and stock issued to legislators—not legislatures—for their franchises), but that the railroads as a whole had not originally cost to exceed 85 per cent of the par of the bonds; that from 25 to 50 per cent of the preferred was issued as an extra inducement to the bankers who bought the bonds, and that the balance of the preferred and practically all of the common stock was divided between the promoters of the railroad, the legislators, and the intermediaries who secured the franchises.

Now, Mr. Speaker, what should be the policy of the United States? The policy of the United States should be to lease these lands and all other lands which it owns; to lease them for short periods of years, and at the end of such short period let there be another leasing, giving to the Government whatever increment of value has attached to those lands by reason of the increase of population that has taken place in the meantime, by reason of the increase of invention, by the improvements of government, or anything else. For you must remember that there is no invention, there is no improvement of government, fire, police, or anything else, there is no increase of population, but what adds to the value of land. The policy of the Government, as I say, should be to lease the land for brief periods, and at the end of those periods of lease the land should be reappraised and men should be permitted to bid, and if some one else beside the owner of the improvements gets the land of course he would be recompensed the full value of the improvements.

Mr. LACEY. I should like to ask my friend how many orchards, he thinks, would be set out in Dakota and Iowa if a man had a three years' lease on the land and the chance of somebody else taking it away from him at the end of that time?

Mr. BAKER. I will answer the gentleman from Iowa by saying that I have said nothing whatever about the length of the period of lease. My own judgment, however, is that it ought not to be more than five years. Therefore, I will meet his question. Let me say to the gentleman that if the owners of the land are assured, as they will be, that they shall have the preference of opportunity to secure the new lease, there will be no difficulty. And I will say that the people of the United States are not going to pass any law interfering with the present system of land tenure that does not to a very large extent favor the men who are in possession of the land. Why, the whole system has been to favor those men in the past.

My friend from Iowa asks "how many orchards would be set out in Dakota and Iowa if a man had a three years' lease on the land and the chances of somebody else taking it away from him at the end of that time."

I do not imagine that the people of Iowa or South Dakota are much different from those of Illinois. In the latter State one man, really an alien, Lord William Scully, of London, owns from fifty to sixty thousand acres of the best farming land there. We are told "that he rents it at the highest cash rental, requires the tenants to build their own houses, barns, etc., and until the State prohibited it they had to pay the taxes on the land. Since then he has added the tax to the rent." From his tenants he receives about $150,000 per annum for the privilege of merely existing on *his* soil.

This shows not merely that men will rent land, but that they are doing so on a large scale from private individuals, and I want to call the attention of the gentleman from Iowa to this, for here they not merely lay out their own orchards, but they build their own houses, barns, etc., upon this rented land. And they are compelled to do so because of the policy which is perpetuated in this bill under which individuals are encouraged to engage in land speculation on a gigantic scale.

They are encouraged, aye, almost invited, to engage in the shameful practices I have referred to. Because of the tremendous prizes which this system offers, fraud, robbery, and sometimes arson are engaged in. Any and all means are adopted by the shrewd, cunning, and unscrupulous, who are frequently even in these cases the rich and the powerful, to get title to immense tracts of the public land, not for occupancy and use, but to withhold from use, for the more land thus withheld the greater premium these men can squeeze out of the real settlers either in original purchase price or in annual rentals. That even the possession of great wealth does not deter men from engaging in such practices is shown in the decisions of the General Land Office, volume 12, January 1 to June 30, 1891, which, on page 34, recites:

That during the month of April, 1877, 151 desert-land entries were filed in that (Visalia, Cal.) land office, covering 34,978 acres, which at once passed into the hands of Mr. J. B. Haggin, and for which he paid to the receiver $8,744.45. Haggin's claim was that he had loaned money to these 151 entrymen, and that they had assigned to him their "final certificates."

What the present value of these 35,000 acres of land may be I have no means of knowing, but it is quite possible that their ownership thus obviously fraudulently acquired is the basis of at least one of the millions he is reputed to possess.

Time and time again we are told that perpetual ownership of the fee is absolutely essential to induce men to cultivate the land. It is constantly asserted that unless the land is sold for all time the occupier will not improve it; that, according to the inference of the query of my friend from Iowa, no one will plant orchards thereon. This, in the face of the fact that for over three hundred years the leasing policy—the policy of paying the royalty for the use of the land into the public treasury instead of into private pockets—obtains in Freudenstadt, Germany, as set forth in an article by Henry Labouchere in his paper, the London Truth. He says:

For instance, there is Freudenstadt, a hamlet in the valley among the Alps in the southwestern part of the German Empire, 45 miles of Stuttgart. That region has been favored with but few natural resources; but between three and four hundred years ago an old monk got the notion into his head that, while whatever a man produced by his labor might belong to him individually, whatever natural wealth or resources were found in a given region belonged equally to all the members of the community inhabiting that region. This theory and practice has been pursued ever since. In this region are some pits of valuable fire clay, which the people dig and pile up for purchasers. The men who do the digging receive day's wages; but when the clay is sold the pay for the clay itself—what is called "royalty"—goes into the treasury. Upon the hillsides is some surplus timber. The men who cut down and pile up the timber are paid day's wages; when the timber is sold its value as it stood uncut upon the stump—in short, the "stumpage"—goes into the treasury.

What a pity a few thousand such monks, intelligent in economics, did not come to this country instead of the William Penns who transplanted here the English system of selling the land.

The income from these sources pays their share of the tax levied for the support of the German Empire, pays all their own officials, builds their schoolhouses and pays their teachers, builds their churches and pays their priests. The people have not been taxed a cent in three hundred and fifty years. Their income always exceeds their expenditures. In 1882 this surplus was divided among the inhabitants per capita, each man, woman, and child receiving (in terms of our money) $13.55. The amount distributed in 1883 would have been $16.55, but the citizens voted to apply it to building waterworks.

The folly of the present system of permanently alienating the land is clearly set forth in Mr. McCreery's article, from which I quote:

The refusal of the Government to use for its own support the rental value of its ordinary land, the royalty of its minerals, the stumpage of its timber, etc., renders it necessary to pass other laws most oppressive, unrighteous, and demoralizing. The tariff laws, inciting to smuggling, provoking perjury in undervaluation, and when honestly enforced woefully discriminating against the poor man. Internal-revenue laws, inducing the making of "moonshine" whisky, the murder of revenue officers, and other forms of lawlessness.

But when I ask the average farmer, "Would you not like such a change in the tax laws as would relieve you of one-half the tax you are now paying, and place it on the shoulders of the land speculators, the mine owners, the timber syndicates, the oil companies, and others who are now enriching themselves by monopolizing the bounties of nature?" he answers, "The old plan, by which I and my ancestors have been fleeced in the past, is good enough for me." When I ask the average laborer, "Would you not like a system of taxation that would furnish employment to a million more workingmen than can now find employment [half a million in the cities and another half a million in the country] and raise the wages of all?" he turns upon me with a sneer and says, "You are a crank and an anarchist. Go hence!"

I could very well afford to go, for while the farmer and the workingman are paying twice the tax they need to they are also paying at least half of mine. But alas! this is not merely a question as to which shall pay his own or the other's tax, but one of honesty or morality and national welfare. Aside from the fact that our system of land laws opens invitingly wide the door to gigantic frauds upon the Government and upon individuals and offers an enormous premium on perjury, their effect, even when enforced in strict accordance with the intent of the legislative power that enacted them, is conspicuously pernicious.

He says:

If it be demoralizing to train a nation to become a set of liars when confronted by tax assessors or custom-house officers; if it be demoralizing to educate the young to the idea that labor is degrading and that the most respectable and honorable thing in life is to enrich one's self by being a parasite upon one's fellow-creatures; if it be demoralizing for the Government not only to throw away its richest treasures, but to do so upon a lottery plan which encourages gambling and a horde of kindred vices; if it be demoralizing to increase the number of the landless multitude who have no stake in the welfare of our nation; if it is demoralizing to have a million idle men among us, necessitating a "slum" ward in every city and a great army of tramps traversing the country, then I have proved the proposition that, in addition to being the prolific parent of fraud and perjury, our land laws, even when honestly and faithfully administered, are a source of widespread and woeful demoralization.

You say, if you do not permit private ownership, there will be no security of tenure; there will be no inducement for people to go on and improve their land. To any man who cares to make that statement upon this floor I wish to say that some of the greatest buildings in the city of New York are situated upon leased land—that some of the most valuable buildings in the city of New York have been erected upon leased land, upon land owned by the Sailors' Snug Harbor corporation, land that for generations has been leased from time to time. The entire usufruct of that land goes to that private corporation—the Sailors' Snug Harbor—and

does not go to the men who own the buildings, who use the buildings, and carry on great mercantile affairs. Yet you will say that it is necessary that there shall be permanent private ownership of land before men will engage in business enterprises.

Mr. Speaker, go into any one of the large cities of the United States, and what will you find? You will find hundreds of thousands of individuals congregated in such a small area that it is scarcely possible for them to breathe separately. The crowded condition of New York City, the crowded condition of Chicago, the noisome slums that exist in those and other cities and that also exist right here in the capital of the United States, are directly due to this policy of encouraging people to withhold land from use, so that they may be able to exact an ever-increasing tribute from those who subsequently use it, after paying a brigand's ransom for it.

I have said that the existence of slums in our great cities is directly traceable to the policy which is continued in this bill of selling the public lands outright. This policy of outright sale, together with the policy of assessing unused land at but a fraction of its value, creates overcrowding—that is, the slums—and which has been recently shown to exist right here in Washington to an alarming degree. To what extent land speculation is encouraged in the District of Columbia by this foolish policy of almost entirely exempting unused land from taxation is shown in the case of Paul T. Bowen, who in January, 1896, then being a clerk in the Treasury Department, purchased 2.3 acres of land in the northwestern part of the District, near Chevy Chase, for $1,840. When he bought it it was assessed at $225 an acre. The following year the assessment was reduced to $200 an acre as "agricultural" land at $1 on the $100, and was continued at that rate until January, 1901, when he sold the land for $5,000, making a net profit of $3,137—170 per cent—in five years. This land sold for about $2,200 an acre and was assessed at $200 an acre—about one-eleventh of its value. I suppose the assessors assessed it as "agricultural land" so as to help the farming industry.

The following from the Washington Post gives but one illustration of the results that follow this encouragement to land speculation:

[Washington Post, January 8, 1902.]

The object of the resolution, argued Mr. M. I. Weller, was to provide for an equalization of taxation and proper valuation of those parcels of land held for speculative purposes. The Government recently acquired for $75,000 a plot containing 7¼ acres from a tract of 250 acres. The portion bought by the Government was about one-thirtieth of the whole, and the entire property was valued by the assessors at $85,000. The actual valuation of the tract was about $1,200,000, and in the opinion of real estate men the price paid by the Government was by no means high. Another instance of the same kind, though more startling, was shown by Mr. Weller. The Government, he declared, recently acquired another piece of property beyond the city limits, for which $25,000 was paid. He had the curiosity to look up the valuation on the assessment books and found it to be $1,400—less than 6 per cent of the amount the Government paid for it.

One of the disastrous effects which have followed our adoption of the English land system, which is perpetuated in this bill, is set forth in an editorial paragraph in a recent issue of the Public, a paper which I stated on a previous occasion discusses current affairs in a manner that can not help but clarify the thought of those who read its editorials:

How American sympathy went out to the evicted Irish some years ago, when as many as 3,000 families were turned out of their houses for nonpayment of rent! But 60,463 families were evicted in the city of New York, Manhattan Borough alone, during the year 1903 without exciting special wonder. Yet where is the difference? Apparently the only difference is in the fact that New York evictions last year were about twenty times as many as in the worst year of Irish evictions. In proportion to population the disparity is much greater. Whereas the Irish evictions of the heaviest year numbered about 1 to every 1,300 of population, those of New York numbered about 1 to every 35 of population.

Doesn't this constitute an indictment of the present system of selling the public land, thus encouraging land speculation, which has produced the same evils here as have afflicted Ireland for generations?

I have said that our policy of permanently alienating the public lands was copied from England. That is true. I wish I could say it is also true that this country is ready to follow England in a change in this very policy which she seems to be on the eve of making, or at least which she gives unmistakable signs of being likely to do in the near future. My Republican friends some five years ago suddenly became such great admirers of England and the policy of territorial aggrandizement of her Tory ministers that they "benevolently assimilated" the Filipinos. Recently they have been even more warm in their expressions of admiration for Joseph Chamberlain's cynical, retrograde policy. No more are we told that it is necessary to twist the British lion's tail on every occasion that offers; on the contrary, our American Tories even seemed to be about to invite that renegade radical, Chamberlain, who is out-Torying the Tories, to come over here and take charge of the rapidly approaching campaign for "protection and plutocracy"—I beg pardon, for "protection and labor."

I admit that their pro-Chamberlain ardor has apparently somewhat cooled with the English election returns of the past six weeks. With constituency after constituency, rural as well as urban, recording themselves against a reimposition of the corn laws or any other form of protection, our Republican friends are probably not quite so sanguine of what will come out of a British general election.

While it is gratifying to observe that Chamberlain is not succeeding in his attempt to hoodwink the British workingman into believing that he can lift himself up by his boot straps—that he can tax himself rich, that a tax upon foodstuffs will benefit him—it is even more gratifying to observe that the Liberal party there, the prototype of the Democratic party here, is not content to meet Mr. Chamberlain with the mere negative proposition of "leaving well enough alone," nor to emulate MARK HANNA in his "stand-pat" policy, but are rather showing an unmistakable disposition to go to the root of the matter.

One of the great London magazines, the Contemporary Review, has in its January number an article entitled "The need of a Radical party." If written for American consumption, I suppose it would have called it "The need of a radical Democratic party."

This article, in describing what is needed to combat and successfully overthrow the revival of protection, says:

[From Contemporary Review for January.]

There remains the condition of a great question which will fire men's imaginations with the feeling of a distinct and vital need. Can there be any doubt that the land question answers to this description? "Man is a land animal," says Henry George, and in England man and the land are parted. It is not surprising, therefore, that not one, but a thousand currents of thought flow into this channel. What, for example, is the one solid feature of the national economy which gives force to the revival of protection? The decline of agriculture, the fact that a yearly decreasing body of Englishmen live and work on the soil, and a yearly decreasing proportion of food is raised on English land. From 1851 to 1891 the number of agricultural laborers has declined 36 per cent; during the ensuing ten years a further decline of 25 per cent has taken place, while in fatal testimony to the tendency to make land the sporting ground of the rich rather than the patrimony of the entire people, the number of gamekeepers has increased 25 per cent in the same period. Is it possible to state a fact of greater social significance?

It may be profitable to ask right here why the number of English agricultural laborers has declined 52 per cent in fifty years, while gamekeepers have increased 25 per cent during that period. The answer is not hard to find. It is found in a system of taxation in England, as here, which places nearly all the burden of local taxation upon improvements and upon personal property, while land values almost escape taxation. Let England but reverse this policy. Let her exempt improvements and other forms of labor products from taxation and place the burden of taxation where it naturally belongs—on land values—and her dukes, marquises, and earls will no longer find it profitable to breed rabbits and foxes. The land will then be cultivated, and farm laborers will not need to immigrate here or to Canada to look for employment. It is land monopoly, made possible because land is not taxed according to its value, that drives the farm laborer from the country of his birth, while gamekeepers are employed to drive his fellow off of "my lord's" land. Our policy of selling the public lands and then placing the burden of taxation upon the settlers' improvements, while the land speculator almost entirely escapes, is producing in America the same evils.

The writer goes on to describe further the desertion of English fields and the degradation of the landless laborers, and asks: "What are the remedies?" He answers:

Not the discredited device of protection, which the laborers will not have at any price, but the reform of our land system, for that system furnishes the most effective bar to the application of the wonderful discovery that the old Malthusian specter of the pressure of population on the means of subsistence is laid forever, and that, as Prince Kropotkin shows, the land of England could sustain out of its own resources not merely the foreign-fed multitudes of to-day, but double and treble that number.

The writer continues:

Municipalities, distracted with the growing burden of improvements, the increasing difficulties of traction and urban extension, the appalling evils of overcrowding, are rapidly coming to Mr. Booth's conclusion that the taxation of ground values lies at the root of the housing problem.

As it is inevitable that we in this country must ultimately conclude.

The article then shows the reasonableness of this method of taxation and violently attacks Mr. Chamberlain's proposals, calling them a "monstrous piece of economic atavism"—an attempt to shift more and more of the burdens of the state upon industry and wages.

The conclusion of the author is that "the land question is ripe for action."

The Contemporary Review is not alone in pointing to the taxation of land values (in England sometimes termed the "taxation of site values," at other times "taxation of ground rents") as the policy which the Liberal party must adopt to successfully and completely defeat Chamberlain's protectionist propaganda, for the London Speaker, the leading Liberal weekly, in its editorial of January 9, says:

We have to attack not merely the false remedies the protectionists are offering us, but the real abuses and injustices they are defending.

It proceeds:

For this reason we are delighted to notice the emphasis laid by the Independent Review on the necessity of land reform, a subject which occupies two articles in the January number of that periodical. The first article, presumably from the pen of the editor, destroys in a terse and luminous retrospect the historical defenses for land monopoly; the second, written by Mr. Charles Trevelyan, sets out some of the arguments for the taxation of land values. Our own strong opinions in favor of treating this question as one of immediate urgency have been expressed often enough in these columns.

The Speaker urges the Liberal party to grapple fearlessly with the land problem, and says "the case for action is unusually strong."

Mr. Chamberlain proposes to increase the price of food without relieving at all the pressure of rent, and if the Liberal party can not offer the country some real measure of reform its place in the scheme of progress is forfeited. We hope, then, that there will be no hesitation in the Liberal party about grappling with this problem in its various aspects, for the land question is just as important in the country as in the town.

The SPEAKER. The time of the gentleman has expired.

Mr. BAKER. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to offer an amendment to one section of the bill.

Mr. BURKE. I do not think it would be in order to offer an amendment. I can not accept it.

The SPEAKER. The gentleman is entitled to an hour, and after the expiration of that time the bill is open to amendment, unless the previous question operates.

Mr. BURKE. Well, I do not yield to an amendment, Mr. Speaker.

Mr. STEPHENS of Texas. I will say to the gentleman that I am in favor of the bill. I believe it is correct in its policy. I believe that these reservations should be opened up, but I do not believe in the provision of the bill that provides that after the four years' time has elapsed that the remaining portion of the unsold land should be sold in unlimited quantities under such rules and regulations as the Secretary of the Interior may prescribe. I desire to offer an amendment providing that the amount sold to any one man shall not exceed 640 acres. I would limit it to 160 acres if it were agricultural land, but I presume all the agricultural land will have been taken within the four years and that there will be no agricultural land to be taken up.

Mr. BURKE. Does the gentleman want to limit the amount to 640 acres?

Mr. STEPHENS of Texas. Yes; to 640 acres.

Mr. BURKE. Is that all that the amendment provides?

Mr. STEPHENS of Texas. That is all that part of the amendment provides.

Mr. BURKE. I do not object to that.

Mr. STEPHENS of Texas. There is another amendment which I think should be made to this bill. If there were valuable minerals in this land the minerals should not pass with the land and be subject to entry. I believe that the miners are entitled to as much consideration as the homesteader.

Mr. BURKE. There is a general law that protects that.

Mr. BAKER. I desire to offer an amendment.

The SPEAKER. The Chair will again state to the gentleman from South Dakota that he is recognized for an hour.

Mr. BURKE. I understand that, Mr. Speaker.

The SPEAKER. And that the bill is subject to amendment unless the gentleman at the end of that time asks the previous question.

Mr. BURKE. I stated that I had no objection to the amendment offered by the gentleman from Texas, to limit it as he states, and after the disposition of that I shall ask for the previous question upon the bill and amendments to its passage.

The SPEAKER. The Chair will state to the gentleman from South Dakota that the Chair understands the rule to be this: In the hour that the gentleman controls the bill is not subject to amendment, and that so far the amendments have been read for information. Now, if the gentleman yields the floor the bill will be subject to amendment.

Mr. BURKE. I am not yielding the floor, Mr. Speaker, and I ask for the previous question.

The SPEAKER. The previous question is asked for.

Mr. BAKER. I shall object, Mr. Speaker, unless I can have an opportunity to offer my amendment.

Mr. BURKE. I ask that the bill be amended as suggested by the gentleman from Texas.

Mr. BAKER. Mr. Speaker, I object.

The SPEAKER. The gentleman from South Dakota asks unanimous consent——

Mr. BAKER. I object, Mr. Speaker, unless I can have an opportunity to offer my amendment. You can vote my amendment down in a second.

Mr. BURKE. Do I understand that the amendments of the committee are now considered as pending?

The SPEAKER. The amendments reported from the committee are pending. The gentleman from South Dakota can offer an amendment if he sees proper, and then call the previous question. He can test the sense of the House at any time he desires.

Mr. BURKE. Mr. Speaker, I offer the following amendment:

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

After the word "interior," in line 12, page 10 of the bill, insert the words "not more than 640 acres to any one purchaser."

Mr. STEPHENS of Texas. That covers the ground of my amendment.

On motion of Mr. BURKE, the previous question was ordered.

The question was taken on the amendment and the amendment was agreed to.

Mr. BAKER. Mr. Speaker, a parliamentary inquiry. Do I understand I can not now offer an amendment?

The SPEAKER. The previous question is now operating.

Mr. FINLEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FINLEY. Merely for a matter of information. I wish to call the attention of the gentleman from South Dakota to his proposition to amend the amount of appropriation by reducing it from $90,000 to $75,000.

Mr. BURKE. I am going to offer that at the proper time. I move to amend, Mr. Speaker, in section 5, in line 10, to strike out the word "ninety" and insert "seventy-five."

The SPEAKER. Is there objection?

Mr. BAKER. I object.

The SPEAKER. Objection is made. The question is on the engrossment and third reading of the bill.

Mr. FINLEY. I move to recommit the bill with instruction to report back a reduced appropriation from $90,000 to $75,000, in line 10, page 11.

The SPEAKER. The gentleman from South Carolina moves to recommit the bill with instructions to the committee to report the same back immediately with an amendment, striking out the word "ninety" and inserting the word "seventy-five" in line 10, page 11; so as to make the appropriation $75,000 instead of $90,000.

Mr. BURKE. Mr. Speaker, a parliamentary inquiry. What will be the status of the bill if the gentleman's motion prevails?

The SPEAKER. It will have to be reported back by the committee forthwith if this motion is adopted.

The question was taken; and the motion was agreed to.

Mr. BURKE. Mr. Speaker, I report back the bill H. R. 10418 with an amendment, in accordance with the direction of the House.

Mr. BAKER. A parliamentary inquiry. Has the committee had a meeting?

Mr. BURKE. I now ask the previous question on the bill and the amendments to its passage.

Mr. BAKER. You can not——

The SPEAKER. One moment. The Chair is informed, and his recollection without the information concurs with the information, that this is the usual proceeding and that there are precedents. The Clerk will read section 1022 of Hinds's Parliamentary Practice.

The Clerk read as follows:

SEC. 1022. A bill may be recommitted with instructions that it be reported back forthwith, and this report may be made at once by the chairman of the committee and is not subject to the point that it must be considered in the Committee of the Whole if it has previously been considered there.

Mr. BURKE. Mr. Speaker, I now ask the previous question on the passage of the bill and the amendments.

Mr. BAKER. A parliamentary inquiry, Mr. Speaker. Do I understand that under the rules it is not necessary for the committee to meet when the bill was recommitted?

The SPEAKER. Such has been the practice with such instructions.

Mr. BAKER. All right; I want to get that clear. Now I ask unanimous consent to offer an amendment. The fate of that amendment is known. Probably there will not be another vote for it in this House.

The SPEAKER. The gentleman from New York asks unanimous consent to offer an amendment. Is there objection?

Mr. MARTIN. I object.

The SPEAKER. Objection is made. The question now is on the engrossment and third reading of the bill.

The question was taken; and on a division (demanded by Mr. BAKER) the ayes were 110 and the noes 1.

Mr. BAKER. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from New York makes the point of no quorum.

Mr. BURKE. Mr. Speaker, I ask unanimous consent that the

gentleman from New York may be permitted to offer his amendment. [Laughter.]

Mr. BAKER. I withdraw my point of no quorum, Mr. Speaker.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that the gentleman from New York may offer an amendment.

Mr. MACON. I object.

Mr. BAKER. I raise the point of no quorum, Mr. Speaker.

Mr. PAYNE. Evidently, Mr. Speaker, there is no quorum, and we can vote on this Monday morning to accommodate my friend from New York. I move that the House do now adjourn.

The SPEAKER. Pending that, the Chair will submit the following personal request:

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BADGER indefinitely, on account of important business.

ADJOURNMENT.

The motion of Mr. PAYNE was then agreed to.

Accordingly (at 3 o'clock and 45 minutes p. m.) the House adjourned until Monday next at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the president of the Capital Traction Company, submitting a statement of the receipts and disbursements for the year ended December 31, 1903—to the Committee on the District of Columbia, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Samuel B. Harris against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Postmaster-General, submitting a reply to the House as to the use of horses and vehicles in his Department—to the Committee on Expenditures in the Post-Office Department, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of appropriation for reimbursement of the owners of the tug *Hustler*—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. HENRY of Texas, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 10145) to provide for appeals, writs of error, and other appellate proceedings from the circuit and district courts of Beaumont, in the eastern district of Texas, reported the same without amendment, accompanied by a report (No. 644); which said bill and report were referred to the House Calendar.

Mr. ALEXANDER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 5498) to provide for circuit and district courts of the United States at Albany, Ga., reported the same with amendment, accompanied by a report (No. 645); which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 10993) granting a pension to Mary McEvoy—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11165) granting a pension to Thompson F. Frisbee—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1966) for the judicial ascertainment of claims against the United States—Committee on Claims discharged, and referred to the Committee on the Judiciary.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SCUDDER: A bill (H. R. 11435) to establish a permanent military camp ground in Suffolk County, Long Island, in the State of New York—to the Committee on Military Affairs.

By Mr. CANDLER: A bill (H. R. 11436) to extend the limits of the Shiloh National Military Park and to provide for the improvement thereof—to the Committee on Military Affairs.

By Mr. POWERS of Massachusetts: A bill (H. R. 11437) to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes—to the Committee on the Merchant Marine and Fisheries.

By Mr. McCARTHY: A bill (H. R. 11438) for the purchase of site and erection of a public building in the city of Wayne, Nebr.—to the Committee on Public Buildings and Grounds.

By Mr. ADAMSON: A bill (H. R. 11439) to authorize district judges to appoint the chief bailiffs, and fixing salaries—to the Committee on the Judiciary.

Also, a bill (H. R. 11440) to provide for transfer of civil and criminal cases from one division to another in the northern district of Georgia—to the Committee on the Judiciary.

Also, a bill (H. R. 11441) to designate certain counties as the Atlanta division of the northern judicial district of Georgia—to the Committee on the Judiciary.

Also (by request), a bill (H. R. 11442) to authorize district judges to order certain officers from one division to another—to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: A bill (H. R. 11443) to extend the exemption from head tax to citizens of Newfoundland entering the United States—to the Committee on Immigration and Naturalization.

By Mr. DICK: A bill (H. R. 11444) to grant certain lands to the State of Ohio—to the Committee on the Public Lands.

Also, a bill (H. R. 11445) to increase the pensions of those who have lost an eye or the sight of an eye in the military or naval service of the United States—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11446) to amend section 9 of the act approved March 1, 1889, entitled "An act to provide for the organization of the militia in the District of Columbia"—to the Committee on Militia.

By Mr. SPARKMAN: A bill (H. R. 11447) increasing the pensions of those now receiving or entitled to pensions under the acts of Congress approved July 27, 1892, and June 27, 1902—to the Committee on Pensions.

By Mr. HILDEBRANT: A bill (H. R. 11448) making an appropriation from the unclaimed fund in the Treasury of the United States due the estates of deceased colored soldiers of the civil war for the erection of buildings for the use of the military department of Wilberforce University, an institution for the education of colored youths, located in Greene County, Ohio—to the Committee on Military Affairs.

By Mr. BUCKMAN: A bill (H. R. 11449) to authorize the counties of Sherburne and Wright, Minn., to construct a bridge across the Mississippi River—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: A bill (H. R. 11450) to amend Title LX, chapter 3, of the Revised Statutes of the United States of America, relating to copyrights—to the Committee on Patents.

By Mr. SHAFROTH: A joint resolution (H. J. Res. 99) authorizing the Commission on International Exchange to agree with other nations upon uniform laws, subject to the approval of Congress, tending to preserve the gold product of the world for coinage and monetary purposes—to the Committee on Coinage, Weights, and Measures.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BABCOCK: A bill (H. R. 11451) granting an increase of pension to Alexander Morrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11452) granting a pension to Ann Jones—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 11453) granting an increase of pension to Maria Leuchart—to the Committee on Invalid Pensions.

By Mr. BROOKS: A bill (H. R. 11454) for the relief of Alfred James Saynor—to the Committee on Claims.

By Mr. CAMPBELL: A bill (H. R. 11455) for the relief of William H. Linton—to the Committee on Military Affairs.

By Mr. DICK: A bill (H. R. 11456) granting a pension to Emma C. Hayes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11457) granting a pension to Maryetta Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11458) granting a pension to Maria C. Waste—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11459) granting a pension to Rollin H. Crane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11460) granting a pension to Mary E. Kern—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11461) granting a pension to Mary C. James—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11462) to remove the charge of desertion and grant an honorable discharge to Ceylon Gowdy—to the Committee on Military Affairs.

Also, a bill (H. R. 11463) for the relief of Jackson Pryor—to the Committee on Military Affairs.

Also, a bill (H. R. 11464) for the relief of Carl F. Kolbe—to the Committee on War Claims.

Also, a bill (H. R. 11465) granting an increase of pension to Frances E. Rex—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11466) granting an increase of pension to James J. Mears—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11467) granting an increase of pension to James J. Winans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11468) granting an increase of pension to Edson G. Holcomb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11469) granting an increase of pension to Edward Potter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11470) granting an increase of pension to James H. Stone—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11471) granting an increase of pension to Verus A. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11472) granting an increase of pension to Vendruth Washburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11473) granting an increase of pension to Caleb F. Bandle—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 11474) granting an increase of pension to D. J. Robins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11475) granting an increase of pension to William J. Moon—to the Committee on Invalid Pensions.

By Mr. GILLETT of Massachusetts: A bill (H. R. 11476) granting a pension to Margaret Flynn—to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 11477) granting an increase of pension to Alson E. Reese—to the Committee on Invalid Pensions.

By Mr. LITTAUER: A bill (H. R. 11478) to remove the charge of desertion from the military record of Mathew W. Face—to the Committee on Military Affairs.

Also, a bill (H. R. 11479) granting a pension to Catharine Berry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11480) granting an increase of pension to Lemuel R. Wilcox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11481) to correct the military record of David R. Blessing—to the Committee on Military Affairs.

By Mr. LONGWORTH: A bill (H. R. 11482) granting a pension to Charles B. Snell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11483) granting a pension to Catharine Haddock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11484) granting an increase of pension to Christina Voigt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11485) for the relief of Pardon M. Bowen—to the Committee on Military Affairs.

Also, a bill (H. R. 11486) granting an increase of pension to Samuel B. Loewenstine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11487) granting an increase of pension to John Wybrant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11488) for the relief of Joseph Crist, late first mate United States steamer *Missionary*—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11489) for the relief of the heirs at law of M. A. Phelps and the heirs at law of John W. Renner—to the Committee on Claims.

Also, a bill (H. R. 11490) granting honorable certificates of discharge to certain officers and enlisted men of the United States volunteer service who were called out by the proclamation of Gen. Lewis Wallace, issued September 5, 1862—to the Committee on Military Affairs.

Also, a bill (H. R. 11491) granting a pension to Adelaide B. Warwick—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 11492) granting an increase of pension to Samuel B. Bartley—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 11493) for the relief of Sarah Crabtree and the estate of Eli Crabtree, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11494) granting an increase of pension to Sarah Jane Grissom—to the Committee on Pensions.

Also, a bill (H. R. 11495) granting an increase of pension to James P. Shaw—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 11496) granting an increase of pension to Anne Murphy—to the Committee on Invalid Pensions.

By Mr. McCARTHY: A bill (H. R. 11497) granting an increase of pension to Daniel B. Legg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11498) granting an increase of pension to William A. Porter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11499) granting an increase of pension to Albert Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11500) granting a pension to Sarah Harlow—to the Committee on Invalid Pensions.

By Mr. POWERS of Massachusetts: A bill (H. R. 11501) granting a pension to Sarah S. Mulcahay—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Alabama: A bill (H. R. 11502) for the relief of La Grange College, of Colbert County, Ala.—to the Committee on War Claims.

By Mr. SAMUEL W. SMITH: A bill (H. R. 11503) granting a pension to Moses Fragar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11504) granting a pension to John Algoe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11505) granting a pension to James Abbott, alias James Buck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11506) granting a pension to William R. Hiscock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11507) granting a pension to Freeman Rohrabacher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11508) granting an increase of pension to Sophia E. Farland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11509) granting an increase of pension to William H. McEnally—to the Committee on Invalid Pensions.

By Mr. WARNOCK: A bill (H. R. 11510) granting an increase of pension to William H. Organ—to the Committee on Invalid Pensions.

By Mr. McLACHLAN: A bill (H. R. 11511) granting an increase of pension to Edward M. McCook—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolutions of the board of directors of the Chicago Board of Trade, in favor of postal currency—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of Mrs. Annie Long and 39 others, of Greenwood, Fla., praying for legislation to enable them to obtain title to certain lands—to the Committee on the Public Lands.

Also, resolutions of the regents of the University of Wisconsin, in favor of legislation for additional aid to agricultural experiment stations—to the Committee on Agriculture.

Also, resolutions of Peshtigo Good Roads Association, of Marinette, Wis.; of Cairo (Ill.) Board of Trade, and of the National League of Commission Merchants, praying for legislation to enable the Interstate Commerce Commission to fix freight rates in certain cases—to the Committee on Interstate and Foreign Commerce.

By Mr. BADGER: Resolution of Elias J. Beers Post, No. 575, Grand Army of the Republic, of Columbus, Ohio, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BROOKS: Resolution of the Salida Board of Trade, of Salida, Cal., against any changes in the land laws—to the Committee on the Public Lands.

By Mr. BURLEIGH: Petition of the officers of the University of Maine, in favor of converting the big-tree groves of California into national parks—to the Committee on the Public Lands.

Also, resolutions of C. M. Williams Post, No. 141, Grand Army of the Republic, of Mount Vernon, Me., in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: Paper to accompany bill for the relief of William H. Linton—to the Committee on Military Affairs.

By Mr. COOPER of Pennsylvania: Resolution of Grand Army of the Republic Post No. 570, Department of Pennsylvania, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. DALZELL: Resolution of First Battalion, Naval Brigade, of the Ohio National Guard, relative to a naval training station at Put in Bay—to the Committee on Naval Affairs.

Also, petitions of J. C. Dowell, of Pittsburg, Pa., and Pittsburg Woman's Home Missionary Society of the Pittsburg Conference of the Methodist Church, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, petition of W. H. Hammon, of Pittsburg, Pa., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DOUGHERTY: Petition of E. B. Thompson and 47 others, of Jamesport, Mo.; E. Blacklock and 35 others, of King City, Mo., and J. R. Williams and 12 others, of Martinsville, Mo., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. DWIGHT: Paper to accompany bill granting increase of pension to William M. Moon—to the Committee on Invalid Pensions.

By Mr. FLACK: Resolution of Peru (N. Y.) Grange, Patrons of Husbandry, favoring good-roads legislation—to the Committee on Agriculture.

By Mr. FULLER: Resolution of the Board of Trade of Cairo, Ill., in relation to enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of R. B. Hayes Post, No. 120, Grand Army of the Republic, of Plano, Ill., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. GUDGER: Letters of citizens in favor of army chaplain bill—to the Committee on Military Affairs.

Also, paper to accompany bill to increase pension of Alson E. Reese—to the Committee on Invalid Pensions.

By Mr. HAUGEN: Letter of Hart-Parr Company, of Charles City, Iowa, relative to the passage of bill H. R. 9302, which provides for the removal of internal revenue on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of E. B. Hall and others, of Swaledale, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolutions of Henry Howard Post, No. 259, and Frank A. Brush Post, No. 77, Grand Army of the Republic, Department of Iowa, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: Petition of citizens of Thompsonville, Conn., relative to the closing of the St. Louis Exposition on the Sabbath—to the Committee on Industrial Arts and Expositions.

By Mr. HOWELL of New Jersey: Resolutions of Captain J. W. Conover Post, No. 63, Grand Army of the Republic, Freehold, N. J., in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of W. L. Pearson and others, of Oskaloosa, Iowa, in favor of the Hepburn-Dolliver bill—to the Committee on Invalid Pensions.

By Mr. LANNING: Resolutions of James M. Weart Post, No. 108, of Hopewell, N. J., and Bayard Post, No. 8, of Trenton, N. J., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Resolution of the Oneida Republican Association of the Fifteenth Ward of Brooklyn, N. Y., indorsing the action of the President in relation to the isthmian canal question—to the Committee on Interstate and Foreign Commerce.

By Mr. LITTAUER: Papers to accompany House bill granting a pension to Catharine Berry—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to correct the military record of Mathew W. Face—to the Committee on Military Affairs.

Also, papers to accompany House bill to correct the military record of David R. Blessing—to the Committee on Military Affairs.

By Mr. LITTLE: Papers to accompany bill H. R. 10304, for the relief of Mrs. Eliza J. Haines—to the Committee on War Claims.

By Mr. LITTLEFIELD: Petition of citizens of Jennings Creek, Va., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

Also, resolutions of Sedgwick Post, No. 4, Grand Army of the Republic, of Maine, in favor of a service-pension law—to the Committee on Invalid Pensions.

By Mr. McCALL: Petition of Massachusetts State Board of Trade, in favor of arbitration treaties with Great Britain—to the Committee on Foreign Affairs.

Also, petition of Massachusetts State Board of Trade, in favor of certain changes in postal rates—to the Committee on the Post-Office and Post-Roads.

Also, petition of Massachusetts State Board of Trade, in favor of providing a vessel to patrol Atlantic coast waters and destroy derelicts—to the Committee on Interstate and Foreign Commerce.

By Mr. MOON of Tennessee: Papers to accompany bill granting an increase of pension to Sarah Jane Grissom—to the Committee on Invalid Pensions.

Also, paper to accompany bill H. R. 8999, for the relief of the estate of H. B. Henegar, deceased, late of Bradley County, Tenn.—to the Committee on War Claims.

By Mr. OTIS: Petition of citizens of Mount Vernon, N. Y., relative to the sale of liquor in Soldiers' Homes and Government buildings—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Rev. G. W. McPherson, of Yonkers, N. Y., against sale of liquor in Soldiers' Homes and Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. PORTER: Letter of Thomas K. Cree, relative to certain provisions in the postal laws—to the Committee on the Post-Office and Post-Roads.

Also, resolution of First Battalion, Naval Brigade, of the Ohio National Guard, relative to a naval training station at Put in Bay—to the Committee on Naval Affairs.

By Mr. ROBINSON of Indiana: Petition of Cigar Makers' Union No. 37, of Fort Wayne, Ind., in favor of bill H. R. 6—to the Committee on Ways and Means.

By Mr. RYAN: Resolution of National League of Commission Merchants, relating to enlarging powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SAMUEL W. SMITH: Resolutions of Carver Post, No. 123, and John Gillaly Post, No. 114, Grand Army of the Republic, Department of Michigan, in favor of a service-pension bill—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: Papers to accompany bill H. R. 11261, to correct the military record of I. N. Nance—to the Committee on Military Affairs.

Also, papers to accompany bill H. R. 8856, for the relief of the heirs of William W. Leftwich—to the Committee on War Claims.

By Mr. SULLOWAY: Petition of citizens of Freedom, N. H., in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

By Mr. WADSWORTH: Petition of Clark Allis and 47 others, of Medicina, N. Y., in favor of the Hepburn-Dolliver bill—to the Committee on the Judiciary.

By Mr. WANGER: Resolutions of M. E. Richards Post, No. 595, of Pottstown, Pa., and General S. K. Zook Post, No. 11, of Norristown, Pa., Grand Army of the Republic, in favor of a service-pension bill—to the Committee on Invalid Pensions.

Also, a memorial of Harmony Grange, No. 891, Patrons of Husbandry, in favor of the Brownlow good-roads bill—to the Committee on Agriculture.

SENATE.

MONDAY, *February 1, 1904.*

Prayer by the Chaplain, Rev. EDWARD EVERETT HALE.

Mr. CHARLES H. DIETRICH, a Senator from the State of Nebraska, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. HANSBROUGH, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

SOLDIERS' HOME AT MARION, IND.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of deficiency in the appropriation for the National Home for Disabled Volunteer Soldiers, Marion Branch, for the fiscal year ending June 30, 1904, $5,000; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

BOARD FOR PROMOTION OF RIFLE PRACTICE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of appropriation for the service for the fiscal year ended June 30, 1903, for expenses of Board for Promotion of Rifle Practice, $850; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF CAPITAL TRACTION COMPANY.

The PRESIDENT pro tempore laid before the Senate the annual report of the Capital Traction Company for the year 1903; which was referred to the Committee on the District of Columbia, and ordered to be printed.

JOURNALS OF CONFEDERATE STATES CONGRESS.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 28th ultimo, a copy of the Journals of the Provisional and the First and Second Congresses of the Confederate States of America, now in the custody of the War Department.

The papers comprise about seven octavo volumes, and, if there be no objection, the Chair will refer them to the Committee on Printing without any order in reference to the printing, leaving the Committee on Printing to determine what shall be done.

Mr. BATE. I think that course will be agreeable.

Mr. BACON. Is it a recommendation of the Secretary of War?

The PRESIDENT pro tempore. Yes; a communication from the Secretary of War.

Mr. BACON. What is the purport of the communication?

The PRESIDENT pro tempore. It transmits the Journals of the Provisional and the First and Second Congresses of the Confederate States.